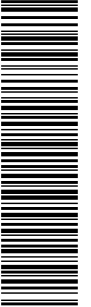


An act to amend Section 6006 of, to repeal and add Sections 6006.5 and 6007 of, and to repeal Section 6008 of, the Penal Code, relating to tuberculosis.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6006 of the Penal Code is amended to read:

6006. The Department of Corrections, Department of the Youth Authority, Board of Prison Terms, and Youthful Offender Parole Board, in conjunction with the State Department of Health Services, shall meet and confer with recognized employee organizations representing employees pursuant to the Ralph C. Dills Act, Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1 of the Government Code, to Corrections and Rehabilitation shall develop rules regarding the mandatory examination or testing for tuberculosis of the staff of the Department of Corrections, Department of the Youth Authority, Board of Prison Terms, and Youthful Offender Parole Board. department. These rules shall include mandated annual examination for tuberculosis of all employees with inmate contact employees whose primary job functions require them to work inside an institution and as a part of preemployment requirements. Except as provided in Section 6007, the confidentiality of the test results shall be maintained. However, statistical summaries which that do not identify specific individuals may be prepared.

SEC. 2. Section 6006.5 of the Penal Code is repealed.

6006.5. For purposes of this chapter, the following definitions shall apply:

(a) "Department" means the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, or the Youthful Offender Parole Board.

(b) "Examination or test" means methods, processes, or other means, including a chest X-ray, conducted in accordance with the recommendations of the Centers for Disease Control and Prevention and as specified in the department's guidelines for tuberculosis control, to determine if a person has, has had, or has been exposed to tuberculosis.

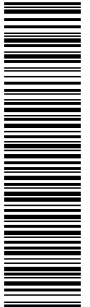
(c) "Medical evaluation" means taking a history or gathering other information and may include, but is not limited to, listening to the chest or other examinations or tests, as specified in the department's guidelines for tuberculosis control, used to diagnose and assess the health conditions of the person.

(d) "Followup care" means the continued medical evaluations, monitoring, or care of a person after his or her initial visit, examination, or test, including, but not limited to, preventive therapy.

(e) "Certificate" means the official document developed and issued by the department that indicates the absence of tuberculosis in an infectious stage and that is signed by a physician and surgeon who is licensed by the Medical Board of California or the Osteopathic Medical Board of California under Division 2 (commencing with Section 500) of the Business and Professions Code or his or her designee. The certificate shall indicate that the examination, test, or evaluation was performed in accordance with the recommendations of the Centers for Disease Control and Prevention and as specified in the department's guidelines for tuberculosis control.

(f) "Negative skin test" shall have the same meaning as it is defined by the Centers for Disease Control and Prevention and the department's guidelines for tuberculosis control as the definition reads at the time of the examination.

(g) "Positive skin test" shall have the same meaning as it is defined by the Centers for Disease Control and Prevention and the department's guidelines for tuberculosis control as the definition reads at the time of the examination.



(h) “Institution” means any state prison, camp, center, office, or other facility under the jurisdiction of the Department of Corrections or the Department of the Youth Authority.

(i) “Infectious or contagious stage” means the period when a disease is capable of being transmitted from one person to another with or without contact.

(j) “Tuberculosis converter” shall have the same meaning as it is defined by the Centers for Disease Control and Prevention.

SEC. 3. Section 6006.5 is added to the Penal Code, to read:

6006.5. For purposes of this chapter, the following definitions shall apply:

(a) “Annual TB screening” means a yearly risk assessment to determine the presence of tuberculosis (TB) symptoms in an individual.

(b) “Baseline TB screening and testing” means a process that includes an individual TB risk assessment and an initial TB test, as defined by the federal Centers for Disease Control and Prevention (CDC).

(c) “Certificate” means a document signed by a licensed health care professional or their designee. The certificate shall indicate that the baseline TB screening and testing, annual TB screening, or medical evaluation was performed in accordance with the recommendations of the federal CDC.

(d) “Department” means the Department of Corrections and Rehabilitation.

(e) “Follow up care” means continued medical evaluations or treatment of a person after their initial baseline TB screening and testing or annual TB screening.

(f) “Institution” means any state prison, camp, or other facility where incarcerated persons are housed under the jurisdiction of the Department of Corrections and Rehabilitation.

(g) “Medical evaluation” means a gathering of patient information by a licensed health care professional, which may include, but is not limited to, a comprehensive history, physical examination, or tests in accordance with the recommendations of the federal CDC used to diagnose, assess, and treat TB.

SEC. 4. Section 6007 of the Penal Code is repealed.

~~6007. (a) No person shall be employed initially by the department unless that person, after an offer of employment, completes an examination, a test, or a medical evaluation and is found to be free of tuberculosis in an infectious or contagious stage prior to assuming work duties.~~

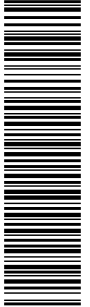
~~(b) As a condition of continued employment with the department, those employees who are skin-test negative shall receive an examination or test at least once a year, or more often if directed by the department, for as long as the employee remains skin-test negative. If an employee has a documented positive skin test, the employee shall have a medical evaluation to determine the need for followup care. An employee with a positive skin test shall follow the department’s guidelines for tuberculosis control.~~

~~(c) The department shall ensure that all examinations or tests and medical evaluations, as defined in subdivisions (b) and (c) of Section 6006.5, to diagnose and assess the health conditions of the person, meet the following conditions:~~

~~(1) Are made available to the employee promptly at a reasonable time and place.~~

~~(2) Are made available at no cost to the employee.~~

~~(3) Are performed by, or under the supervision of, a licensed health care professional.~~



(d) The examinations or tests or medical evaluations required pursuant to this chapter shall be offered by the department. The department may contract with a medical provider to administer the examinations or tests or medical evaluations. Employees who elect not to accept the department's offer shall obtain the examinations or tests or medical evaluations through their personal health care providers at no cost to the department.

The requirements of this section apply to the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding any other provision of law, each department or board shall be responsible for the costs of the testing or evaluation required by this section for its own employees or potential employees.

(e) Followup care for tuberculosis infection or treatment for tuberculosis disease shall be pursued through the workers' compensation system as provided in Division 4 (commencing with Section 3200) and Division 5 (commencing with Section 6300) of the Labor Code for job-related incidents or through the employee's health insurance plan for non-job-related incidents. The department shall file a first report of injury for an employee whose examination or test for tuberculosis is positive. In addition, the department shall follow the guidelines, policies, and procedures of the workers' compensation early intervention program pursuant to Section 3214 of the Labor Code.

(f) Each employee, including employees who are employed initially, shall submit a signed certificate to the department annually that may be reviewed by the chief medical officer of the department.

(g) The department shall maintain a file containing an up-to-date certificate for each employee.

(h) Nothing in this section shall prevent the department from requiring and providing more extensive or more frequent examinations or tests.

(i) The department shall not discriminate against any employee because the employee tested positive for tuberculosis.

(j) All volunteers of the department shall be required to furnish the department with a certificate prior to assuming their volunteer duties and annually thereafter, showing that the volunteer has been examined and found to be free of tuberculosis in an infectious or contagious stage.

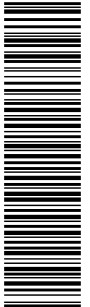
(k) The department shall maintain a file containing an up-to-date certificate for each volunteer.

(l) Employees from other state agencies, including, but not limited to, the State Department of State Hospitals and the Department of Forestry and Fire Protection, who are assigned to work in an institution, as defined in subdivision (h) of Section 6006.5, or who are assigned to work with inmates or wards on a regular basis, as defined in the department's guidelines, shall comply with the following requirements:

(1) Receive an examination or test prior to assuming their duties and at least once a year thereafter, or more often if directed by the department, for as long as the employee remains skin-test negative.

(2) Receive a medical evaluation to determine the need for followup care and follow the department's guidelines for tuberculosis control if an employee has a documented positive skin test.

(3) Submit a signed certificate to the department prior to assuming his or her duties and annually thereafter, showing that the employee has been found to be free of tuberculosis in an infectious or contagious state.



~~(4) Pursue follow-up care for tuberculosis infection or treatment for tuberculosis disease through the appropriate programs in their agency or department.~~

~~(m) The department shall offer the examinations, tests, or medical evaluations required pursuant to this chapter to employees of other state agencies or departments and may contract with a medical provider to administer the examinations, tests, or medical evaluations. Employees of other state agencies or departments who elect not to accept the department's offer shall obtain the examinations, tests, or medical evaluations from their personal health care provider at no cost to the department.~~

~~(n) The department shall maintain a file containing an up-to-date certificate for each employee from other state agencies who works in an institution.~~

SEC. 5. Section 6007 is added to the Penal Code, to read:

6007. (a) A person who is employed by the department and whose primary job functions require them to work inside an institution shall complete baseline TB screening and testing and shall provide a certificate to the department within seven days of appointment to their position showing they are free of active tuberculosis. The employee shall not be allowed to perform any job duties within a licensed area within the institution until the certificate has been submitted and accepted by the department.

(b) (1) An employee whose primary job functions require them to work inside an institution shall receive annual TB screening and ensure that certificates are submitted and accepted by the department showing they are free of active tuberculosis. If an employee is suspected of having active tuberculosis during an annual TB screening, the employee shall have a medical evaluation to determine the need for follow up care in accordance with the recommendations of the federal CDC.

(2) The department may require more frequent TB screening or testing, including skin or blood tests, if there is a known exposure or ongoing transmission within an institution.

(c) The department shall ensure that all annual TB screenings are:

(1) Offered to the employee promptly at a reasonable time and place.

(2) Offered at no cost to the employee.

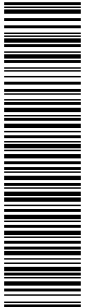
(3) Performed by, or under the supervision of, a licensed health care professional.

(d) The department may contract with a licensed health care professional to administer the baseline TB screening and testing, annual TB screening, or medical evaluations. An employee who declines the department's offer of these services shall obtain the services through their personal licensed health care providers at no cost to the department.

(e) Follow up care for tuberculosis shall be pursued through the workers' compensation system as provided in Division 4 (commencing with Section 3200) and Division 5 (commencing with Section 6300) of the Labor Code for job-related incidents or through the employee's health insurance plan for non-job-related incidents. The department shall file a report for an employee whose test or medical evaluation for tuberculosis is positive. In addition, the department shall follow the guidelines, policies, and procedures of the workers' compensation early intervention program pursuant to Section 3214 of the Labor Code.

(f) The department shall maintain a file containing an up-to-date certificate for each employee.

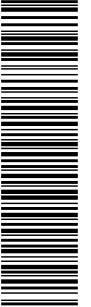
SEC. 6. Section 6008 of the Penal Code is repealed.



~~6008. The Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, and the Youthful Offender Parole Board shall report to the State Department of Health Services the results of the tuberculosis examinations required by Section 6006.~~

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

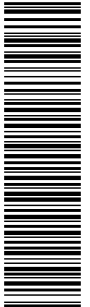
General Subject: Department of Corrections and Rehabilitation: tuberculosis screening and testing.

Existing law generally provides for the control and prevention of tuberculosis. Existing law requires various state entities, including the Department of Corrections and Rehabilitation, to meet and confer with recognized employee organizations, as specified, to develop rules regarding the mandatory examination or testing for tuberculosis of the staff of those entities. Existing law prohibits a person from being employed by the department unless that person, after an offer of employment, completes an examination, test, or medical evaluation and is found to be free of tuberculosis prior to assuming work duties. As a condition of continued employment with the department, existing law requires employees who are skin-test negative to receive an examination or test at least once a year, or more often if directed by the department, for as long as the employee remains skin-test negative. Existing law defines various terms for purposes of these provisions.

This bill would revise and recast the above-described provisions to require the department to develop rules regarding the mandatory examination or testing for tuberculosis of its staff, as specified. The bill would require a person who is employed by the department and whose primary job functions require them to work inside an institution to complete baseline TB screening and testing and provide a certificate to the department within seven days of appointment to their position showing they are free of active tuberculosis. The bill would require specified employees to receive annual TB screening and ensure that certificates are submitted and accepted by the department, as specified. The bill would authorize the department to require more frequent TB screening or testing, as specified, if there is a known exposure or ongoing transmission within an institution. The bill would delete obsolete definitions, update other definitions, and define additional terms, including "annual TB screening" and "baseline TB screening and testing."

Existing law requires volunteers of the department, prior to assuming their duties and annually thereafter, to furnish the department with a certificate showing that they have been examined and found to be free of tuberculosis. Existing law requires employees from other state agencies who are assigned to work in an institution to comply with prescribed requirements for tuberculosis control and requires the department to offer examinations, tests, or medical evaluations to those employees. Existing law prohibits the department from discriminating against an employee because the employee tested positive for tuberculosis. Existing law requires specified state entities, including the department, to report to the State Department of Health Care Services the results of these tuberculosis examinations.

This bill would delete those provisions.



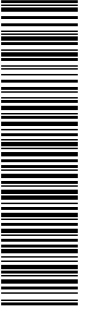
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Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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