

CLIENT NEWS BRIEF

Nationwide Shortage of TB Skin Tests Affects New Teacher Placement in Classrooms

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A shortage of an important test for tuberculosis (TB) has impacted the ability of many school districts to place new teachers and classified employees in the classroom quickly this year. In an April 2013 health alert, the Federal Centers for Disease Control and Prevention (CDC) reported that the skin test solution for TB was in shortage nationwide. The CDC also indicated that the nationwide shortage of TB skin test solution will continue until at least the middle of October 2013. California requires new school employees to successfully complete a TB test within 60 days prior to beginning employment.

The TB testing requirement for new school employees is found in Education Code section 49406 and Health and Safety Code section 121525. In relevant part, Education Code section 49406 provides that "no person shall be initially employed by a school district in a certificated or classified position unless the person has submitted to an examination within the past 60 days to determine if he or she is free of tuberculosis." Pursuant to this section, a proper TB test consists of a skin test or any other test recommended by the CDC and licensed by the federal Food and Drug Administration (FDA).

Prior to the shortage, most individuals were tested for TB using the tuberculin skin test ("TST"). A specific type of antigen solution is required to make TST functional. Given the nationwide shortage of the TST antigen solution, the CDC has recommended utilizing the interferon gamma release assay (IGRA) blood test as an alternative. Although both blood tests are similarly effective and authorized by the Education Code, the IGRA test is more costly and can take upwards of two weeks to obtain results, which is significantly longer than the turnaround time for TST results due, in part, to laboratory processing time. In order to hire teachers and classified employees in a timely manner with adequate TB testing, school districts can choose to substitute the IGRA blood test for the traditional skin test. Districts can currently require new employees to pay for the cost of the more expensive IGRA blood test or may negotiate with their bargaining units to provide district-funded compensation to individual employees for the additional cost of testing.

Neither school districts nor county offices of education have the right to waive the TB test requirement. School districts, however, have the option of requesting that the State Board of Education waive the statutory TB testing requirement or allow the district to hire an employee subject to completion of the TB testing no later than November 1, 2013. Unfortunately, the waiver process itself is time consuming and may take as long or longer than the delay being caused by the current TB skin test shortage.

If you have any questions regarding compliance with the TB testing requirement, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).



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