



TO: Dr. Jesse Bacon, Superintendent 
Adrienne Usher, Assistant Superintendent

FROM: Althea Hurt, Director of Human Resources 

DATE: April 28, 2023

RE: **Item for the MAY Board Meeting - Policy Revision (03.111)**

Attached please find policy 03.111 (Medical Examination). Under "Required Exam for Present Personnel," we wish to remove *"physician"* and replace it with *"health care provider."* Also we wish to replace, *"The Board shall bear the cost of this examination"* with *"Factors such as the purpose of the medical examination required, the classification status of the employee, and whether the employee elects to be examined by their private physician will determine who bears the cost of this examination."*

The purpose of these revisions is to clarify the Board's and employee's responsibilities when a "fit for duty" exam may be necessary.

Our Board Counsel has reviewed the recommended revisions to the policy.

Attachment: Policy 03.11

1st Reading
Approved by the
Bullitt County
Board of Education
Date: **MAY 22 2023**

- CERTIFIED PERSONNEL -**Medical Examination****NEWLY EMPLOYED PERSONNEL**

All newly employed certified personnel, including substitute teachers, shall present documentation in the form of a physical examination performed by a designated licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse or by a licensed medical practitioner of the employee's choice. Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment. If performed by a physician of the employee's choice, the cost must be borne by the employee. The examination must be performed within a ninety (90)-day period prior to initial employment.

REPORT

The medical examination shall be reported on the form required by Kentucky Administrative Regulation or an electronic medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form. A copy of the form or electronic medical record and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

TUBERCULOSIS SCREENING/TESTING

Each medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test or a blood test for Mycobacterium tuberculosis (BAMT) as required by [702 KAR 001:160](#). A person who tests positive for TB shall be required to comply with the directives of the Board, local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.^{1&2}

REQUIRED EXAM FOR PRESENT PERSONNEL

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may, consistent with the Americans with Disabilities Act and the Family Medical Leave Act, require the employee to provide evidence of fitness in the form of an examination and report by a physician health care provider of the Superintendent's choosing.

~~The Board shall bear the cost of this examination. Factors such as the purpose of the medical examination required, the classification status of the employee, and whether the employee elects to be examined by their private physician will determine who bears the cost of this examination.~~⁺

School to Report

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.²

MEDICAL CONFIDENTIALITY

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

Medical Examination

REFERENCES:

²[702 KAR 001:160](#), [902 KAR 002:020](#); [KRS 214.181](#); [KRS 214.625](#)
[OAG 65-560](#)

Genetic Information Nondiscrimination Act of 2008
Americans with Disabilities Act
Family and Medical Leave Act of 1993

RELATED POLICIES:

¹03.1234; 03.14

Adopted/Amended: 7/25/2016
Order #: 2016-240