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ENGROSSED HOUSE BILL 2452

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State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Valle, Backlund, Cody and Dyer

Read first time 01/11/96. Referred to Committee on Health Care.

1            AN ACT Relating to control of tuberculosis; and amending RCW  
2 70.28.010, 70.28.031, 70.28.032, 70.28.033, and 70.28.035.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 70.28.010 and 1967 c 54 s 1 are each amended to read  
5 as follows:

6            All practicing physicians in the state are hereby required to  
7 report to the local boards of health in writing, the name, age, sex,  
8 occupation and residence of every person having tuberculosis who has  
9 been attended by, or who has come under the observation of such  
10 physician within ((~~five days~~)) one day thereof.

11           **Sec. 2.** RCW 70.28.031 and 1967 c 54 s 4 are each amended to read  
12 as follows:

13           Each health officer is hereby directed to use every available means  
14 to ascertain the existence of, and immediately to investigate, all  
15 reported or suspected cases of tuberculosis in the infectious stages  
16 within his or her jurisdiction and to ascertain the sources of such  
17 infections. In carrying out such investigations, each health officer  
18 is hereby invested with full powers of inspection, examination,

1 treatment, and quarantine or isolation of all persons known to be  
2 infected with tuberculosis in an infectious stage or persons who have  
3 been previously diagnosed as having tuberculosis and who are under  
4 medical orders for treatment or periodic follow-up examinations and is  
5 hereby directed:

6 (a) To make such examinations as are deemed necessary of persons  
7 reasonably suspected of having tuberculosis in an infectious stage and  
8 to isolate and treat or isolate, treat, and quarantine such persons,  
9 whenever deemed necessary for the protection of the public health.

10 (b) To make such examinations as deemed necessary of persons who  
11 have been previously diagnosed as having tuberculosis and who are under  
12 medical orders for periodic follow-up examinations.

13 (c) Follow local rules and regulations regarding examinations,  
14 treatment, quarantine, or isolation, and all rules, regulations, and  
15 orders of the state board and of the department in carrying out such  
16 examination, treatment, quarantine, or isolation.

17 (d) Whenever the health officer shall determine on reasonable  
18 grounds that an examination or treatment of any person is necessary for  
19 the preservation and protection of the public health, he or she shall  
20 make an examination order in writing, setting forth the name of the  
21 person to be examined, the time and place of the examination, the  
22 treatment, and such other terms and conditions as may be necessary to  
23 protect the public health. Nothing contained in this subdivision shall  
24 be construed to prevent any person whom the health officer determines  
25 should have an examination or treatment for infectious tuberculosis  
26 from having such an examination or treatment made by a physician of his  
27 or her own choice who is licensed to practice osteopathy and surgery  
28 under chapter 18.57 RCW or medicine and surgery under chapter 18.71 RCW  
29 under such terms and conditions as the health officer shall determine  
30 on reasonable grounds to be necessary to protect the public health.

31 (e) Whenever the health officer shall determine that quarantine,  
32 treatment, or isolation in a particular case is necessary for the  
33 preservation and protection of the public health, he or she shall make  
34 ~~((an))~~ a treatment, isolation, or quarantine order in writing, setting  
35 forth the name of the person to be treated or isolated, or both, the  
36 period of time during which the order shall remain effective, the place  
37 of treatment, isolation, or quarantine, and such other terms and  
38 conditions as may be necessary to protect the public health.

1 (f) Upon the making of an examination, treatment, isolation, or  
2 quarantine order as provided in this section, a copy of such order  
3 shall be served upon the person named in such order.

4 (g) Upon the receipt of information that any examination,  
5 treatment, quarantine, or isolation order, made and served as herein  
6 provided, has been violated, the health officer shall advise the  
7 prosecuting attorney of the county in which such violation has  
8 occurred, in writing, and shall submit to such prosecuting attorney the  
9 information in his or her possession relating to the subject matter of  
10 such examination, treatment, isolation, or quarantine order, and of  
11 such violation or violations thereof.

12 (h) Any and all orders authorized under this section shall be made  
13 by the health officer or his or her tuberculosis control officer.

14 (i) Nothing in this chapter shall be construed to abridge the right  
15 of any person to rely exclusively on spiritual means alone through  
16 prayer to treat tuberculosis in accordance with the tenants and  
17 practice of any well-recognized church or religious denomination, nor  
18 shall anything in this chapter be deemed to prohibit a person who is  
19 inflicted with tuberculosis from being isolated or quarantined in a  
20 private place of his own choice, provided, it is approved by the local  
21 health officer, and all laws, rules and regulations governing control,  
22 sanitation, isolation, and quarantine are complied with.

23 **Sec. 3.** RCW 70.28.032 and 1994 c 145 s 2 are each amended to read  
24 as follows:

25 (1) The state board of health shall adopt rules establishing the  
26 requirements for:

27 (a) Reporting confirmed or suspected cases of tuberculosis by  
28 health care providers and reporting of laboratory results consistent  
29 with tuberculosis by medical test sites;

30 (b) Due process standards for health officers exercising their  
31 authority to involuntarily detain, test, treat, or isolate persons with  
32 suspected or confirmed tuberculosis under RCW 70.28.031 and 70.05.070  
33 that provide for release from any involuntary detention, testing,  
34 treatment, or isolation as soon as the health officer determines the  
35 patient no longer represents a risk to the public's health;

36 (c) Training of persons to perform tuberculosis skin testing and to  
37 administer tuberculosis medications.

1 (2) Notwithstanding any other provision of law, persons trained  
2 under subsection (1)(c) of this section may perform skin testing and  
3 administer medications if doing so as part of a program established by  
4 a state or local health officer to control tuberculosis.

5 (3) The board shall adopt rules under subsection (1)(b) of this  
6 section by December 31, (~~1994~~) 1996.

7 **Sec. 4.** RCW 70.28.033 and 1967 c 54 s 5 are each amended to read  
8 as follows:

9 Inasmuch as the order provided for by RCW 70.28.031 is for the  
10 protection of the public health, any person who, after service upon him  
11 or her of an order of a health officer directing his or her treatment,  
12 isolation, or examination as provided for in RCW 70.28.031, violates or  
13 fails to comply with the same or any provision thereof, is guilty of a  
14 misdemeanor, and, upon conviction thereof, in addition to any and all  
15 other penalties which may be imposed by law upon such conviction, may  
16 be ordered by the court confined until such order of such health  
17 officer shall have been fully complied with or terminated by such  
18 health officer, but not exceeding six months from the date of passing  
19 judgment upon such conviction: PROVIDED, That the court, upon suitable  
20 assurances that such order of such health officer will be complied  
21 with, may place any person convicted of a violation of such order of  
22 such health officer upon probation for a period not to exceed two  
23 years, upon condition that the said order of said health officer be  
24 fully complied with: AND PROVIDED FURTHER, That upon any subsequent  
25 violation of such order of such health officer, such probation shall be  
26 terminated and confinement as herein provided ordered by the court.

27 **Sec. 5.** RCW 70.28.035 and 1967 c 54 s 6 are each amended to read  
28 as follows:

29 In addition to the proceedings set forth in RCW 70.28.031, where a  
30 local health officer has reasonable cause to believe that an individual  
31 has tuberculosis as defined in the rules and regulations of the state  
32 board of health, and the individual refuses to obey the order of the  
33 local health officer to appear for an initial examination or a follow-  
34 up examination or an order for treatment, isolation, or quarantine, the

1 health officer may apply to the superior court for an order requiring  
2 the individual to comply with the order of the local health officer.

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