

2 **EHB 2452** - S COMM AMD

3 By Committee on Health & Long-Term Care

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 70.28.010 and 1967 c 54 s 1 are each amended to read
8 as follows:

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

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

16 Each health officer is hereby directed to use every available means
17 to ascertain the existence of, and immediately to investigate, all
18 reported or suspected cases of tuberculosis in the infectious stages
19 within his or her jurisdiction and to ascertain the sources of such
20 infections. In carrying out such investigations, each health officer
21 is hereby invested with full powers of inspection, examination,
22 treatment, and quarantine or isolation of all persons known to be
23 infected with tuberculosis in an infectious stage or persons who have
24 been previously diagnosed as having tuberculosis and who are under
25 medical orders for treatment or periodic follow-up examinations and is
26 hereby directed:

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

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

34 (c) Follow local rules and regulations regarding examinations,
35 treatment, quarantine, or isolation, and all rules, regulations, and

1 orders of the state board and of the department in carrying out such
2 examination, treatment, quarantine, or isolation.

3 (d) Whenever the health officer shall determine on reasonable
4 grounds that an examination or treatment of any person is necessary for
5 the preservation and protection of the public health, he or she shall
6 make an examination order in writing, setting forth the name of the
7 person to be examined, the time and place of the examination, the
8 treatment, and such other terms and conditions as may be necessary to
9 protect the public health. Nothing contained in this subdivision shall
10 be construed to prevent any person whom the health officer determines
11 should have an examination or treatment for infectious tuberculosis
12 from having such an examination or treatment made by a physician of his
13 or her own choice who is licensed to practice osteopathy and surgery
14 under chapter 18.57 RCW or medicine and surgery under chapter 18.71 RCW
15 under such terms and conditions as the health officer shall determine
16 on reasonable grounds to be necessary to protect the public health.

17 (e) Whenever the health officer shall determine that quarantine,
18 treatment, or isolation in a particular case is necessary for the
19 preservation and protection of the public health, he or she shall make
20 an ((~~isolation or quarantine~~)) order to that effect in writing, setting
21 forth the name of the person ((~~to be isolated~~)), the period of time
22 during which the order shall remain effective, the place of treatment,
23 isolation, or quarantine, and such other terms and conditions as may be
24 necessary to protect the public health.

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

28 (g) Upon the receipt of information that any examination,
29 treatment, quarantine, or isolation order, made and served as herein
30 provided, has been violated, the health officer shall advise the
31 prosecuting attorney of the county in which such violation has
32 occurred, in writing, and shall submit to such prosecuting attorney the
33 information in his or her possession relating to the subject matter of
34 such examination, treatment, isolation, or quarantine order, and of
35 such violation or violations thereof.

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

38 (i) Nothing in this chapter shall be construed to abridge the right
39 of any person to rely exclusively on spiritual means alone through

1 prayer to treat tuberculosis in accordance with the tenants and
2 practice of any well-recognized church or religious denomination, nor
3 shall anything in this chapter be deemed to prohibit a person who is
4 inflicted with tuberculosis from being isolated or quarantined in a
5 private place of his own choice, provided, it is approved by the local
6 health officer, and all laws, rules and regulations governing control,
7 sanitation, isolation, and quarantine are complied with.

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

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

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

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

21 (c) Training of persons to perform tuberculosis skin testing and to
22 administer tuberculosis medications.

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

27 (~~(3) The board shall adopt rules under subsection (1) of this~~
28 ~~section by December 31, 1994.~~)

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

31 Inasmuch as the order provided for by RCW 70.28.031 is for the
32 protection of the public health, any person who, after service upon him
33 or her of an order of a health officer directing his or her treatment,
34 isolation, or examination as provided for in RCW 70.28.031, violates or
35 fails to comply with the same or any provision thereof, is guilty of a
36 misdemeanor, and, upon conviction thereof, in addition to any and all
37 other penalties which may be imposed by law upon such conviction, may

1 be ordered by the court confined until such order of such health
2 officer shall have been fully complied with or terminated by such
3 health officer, but not exceeding six months from the date of passing
4 judgment upon such conviction: PROVIDED, That the court, upon suitable
5 assurances that such order of such health officer will be complied
6 with, may place any person convicted of a violation of such order of
7 such health officer upon probation for a period not to exceed two
8 years, upon condition that the said order of said health officer be
9 fully complied with: AND PROVIDED FURTHER, That upon any subsequent
10 violation of such order of such health officer, such probation shall be
11 terminated and confinement as herein provided ordered by the court.

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

14 In addition to the proceedings set forth in RCW 70.28.031, where a
15 local health officer has reasonable cause to believe that an individual
16 has tuberculosis as defined in the rules and regulations of the state
17 board of health, and the individual refuses to obey the order of the
18 local health officer to appear for an initial examination or a follow-
19 up examination or an order for treatment, isolation, or quarantine, the
20 health officer may apply to the superior court for an order requiring
21 the individual to comply with the order of the local health officer."

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25 On page 1, line 1 of the title, after "tuberculosis;" strike the
26 remainder of the title and insert "and amending RCW 70.28.010,
27 70.28.031, 70.28.032, 70.28.033, and 70.28.035."

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