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SENATE BILL 5199

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State of Washington

56th Legislature

1999 Regular Session

By Senators Thibaudeau, Deccio, Wojahn and Winsley; by request of Department of Health

Read first time 01/15/1999. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to reporting, treatment, and payment for treatment  
2 of tuberculosis; amending RCW 70.28.010, 70.28.020, 70.28.037,  
3 70.30.061, 70.32.010, 70.33.010, 70.33.020, and 70.33.040; adding new  
4 sections to chapter 70.30 RCW; adding new sections to chapter 70.28  
5 RCW; creating a new section; recodifying RCW 70.33.010, 70.33.020,  
6 70.32.010, and 70.33.040; and repealing RCW 70.28.040, 70.28.050,  
7 70.30.072, 70.32.050, 70.32.060, 70.33.030, and 70.33.060.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that current statutes  
10 relating to the reporting, treatment, and payment for tuberculosis are  
11 outdated, and not in concert with current clinical practice and  
12 tuberculosis care management. Updating reporting requirements for  
13 local health departments will benefit providers, local health, and  
14 individuals requiring treatment for tuberculosis.

15 **Sec. 2.** RCW 70.28.010 and 1996 c 209 s 1 are each amended to read  
16 as follows:

17 All practicing (~~physicians~~) health care providers in the state  
18 are hereby required to report to the local (~~boards of~~) health (~~in~~)

1 ~~writing, the name, age, sex, occupation and residence))~~ department  
2 cases of every person having tuberculosis who has been attended by, or  
3 who has come under the observation of (~~such physician~~), the health  
4 care provider within one day thereof.

5 **Sec. 3.** RCW 70.28.020 and 1967 c 54 s 2 are each amended to read  
6 as follows:

7 All local (~~boards of~~) health departments in this state are hereby  
8 required to receive and keep a (~~permanent~~) record, for a period of  
9 ten years from the date of the report, of the reports required by RCW  
10 70.28.010 to be made to them; such records shall not be open to public  
11 inspection, but shall be submitted to the proper inspection of other  
12 local health departments and (~~state boards~~) of the department of  
13 health alone, and such records shall not be published nor made public.

14 **Sec. 4.** RCW 70.28.037 and 1967 c 54 s 7 are each amended to read  
15 as follows:

16 Where it has been determined after an examination as prescribed  
17 (~~above~~) in this chapter that an individual has active tuberculosis,  
18 (~~and he resides in a county in which no tuberculosis facility is~~  
19 ~~located~~) upon application to the superior court by the local health  
20 officer, the superior court (~~may~~) shall order the sheriff to  
21 transport (~~said~~) the individual to a designated (~~tuberculosis~~)  
22 facility for isolation, treatment, and care until such time as the  
23 (~~medical director of the hospital~~) local health officer or designee  
24 determines that (~~his~~) the patient's condition is such that it is safe  
25 for (~~him~~) the patient to be discharged from the facility.

26 **Sec. 5.** RCW 70.30.061 and 1973 1st ex.s. c 213 s 1 are each  
27 amended to read as follows:

28 Any person residing in the state and needing treatment for  
29 tuberculosis(~~7~~) may apply in person to the local health officer or to  
30 any licensed physician, advanced registered nurse practitioner, or  
31 licensed physician assistant for examination and if (~~such physician~~)  
32 that health care provider has reasonable cause to believe that (~~said~~)  
33 the person is suffering from tuberculosis in any form he or she may  
34 apply to the local health officer or (~~tuberculosis hospital director~~)  
35 designee for admission of (~~said~~) the person to an appropriate  
36 facility for the care and treatment of tuberculosis.

1       **Sec. 6.** RCW 70.32.010 and 1975 1st ex.s. c 291 s 3 are each  
2 amended to read as follows:

3       Tuberculosis is a communicable disease and tuberculosis (~~(control,~~  
4 ~~ease finding,~~) prevention, treatment, control, and follow up of known  
5 cases of tuberculosis (~~(represents)~~) are the basic steps in the  
6 (~~(conquest)~~) control of this major health problem. In order to carry  
7 on such work effectively in accordance with the standards set by the  
8 secretary (~~(pursuant to)~~) under RCW 70.33.020 (as recodified by this  
9 act), the legislative authority of each county shall budget a sum to be  
10 used for the control of tuberculosis, including case finding,  
11 prevention, treatment, and follow up of known cases of tuberculosis.  
12 Under no circumstances should this section be construed to mean that  
13 the legislative authority of each county shall budget sums to provide  
14 tuberculosis treatment when the patient has the ability to pay for the  
15 treatment. Each patient's ability to pay for the treatment shall be  
16 assessed by the local health department.

17       **Sec. 7.** RCW 70.33.010 and 1991 c 3 s 330 are each amended to read  
18 as follows:

19       The (~~(following words and phrases shall have the designated~~  
20 ~~meanings in)) definitions in this section apply throughout this chapter  
21 (~~(and RCW 70.32.010, 70.32.050, and 70.32.060)~~) unless the context  
22 clearly (~~(indicated)~~) requires otherwise:~~

23       (1) "Department" means the department of health;

24       (2) "Hospital approved to treat tuberculosis" means a hospital  
25 meeting the requirements to treat tuberculosis as described in WAC 246-  
26 318-035;

27       (3) "Secretary" means the secretary of the department of health or  
28 his or her designee;

29       (~~(3) "Tuberculosis hospital" and "tuberculosis hospital facility"~~  
30 ~~refer to hospitals for the care of persons suffering from~~  
31 ~~tuberculosis;))~~

32       (4) "Tuberculosis control" refers to the procedures administered in  
33 the counties for the control and prevention of tuberculosis, but does  
34 not include hospitalization.

35       **Sec. 8.** RCW 70.33.020 and 1983 c 3 s 172 are each amended to read  
36 as follows:

1       (~~From and after August 9, 1971,~~) The secretary shall have  
2 responsibility for establishing standards for the control, prevention,  
3 and treatment of tuberculosis and (~~shall have administrative~~  
4 ~~responsibility and control for all tuberculosis~~) hospitals  
5 (~~facilities~~) approved to treat tuberculosis in the state operated  
6 (~~pursuant to~~) under this chapter and chapter 70.30 RCW (~~(70.32.010,~~  
7 ~~70.32.050, and 70.32.060 and)~~) for providing, either directly or  
8 through agreement, contract or purchase, hospital, nursing home, and  
9 other appropriate facilities and services including laboratory services  
10 for persons who are, or may be suffering from tuberculosis except as  
11 otherwise provided by RCW 70.30.061(~~(, 70.33.020, 70.33.030, and~~  
12 ~~70.33.040)~~) or this section.

13       (~~Pursuant to~~) Under that responsibility, the secretary shall have  
14 the following powers and duties:

15       (1) To develop and enter into such agreements, contracts, or  
16 purchase arrangements with counties and public and private agencies or  
17 institutions to provide for hospitalization, nursing home, or other  
18 appropriate facilities and services for persons who are or may be  
19 suffering from tuberculosis(~~(, or to provide for and maintain any~~  
20 ~~tuberculosis hospital facility which the secretary determines is~~  
21 ~~necessary to meet the needs of the state, to determine where such~~  
22 ~~hospitals shall be located and to adequately staff such hospitals to~~  
23 ~~meet patient care needs)~~);

24       (2) (~~To appoint a medical director for each tuberculosis hospital~~  
25 ~~facility operated pursuant to this chapter and RCW 70.32.010,~~  
26 ~~70.32.050, and 70.32.060;~~

27       (~~3~~)) Adopt such rules (~~and regulations~~) as are necessary to  
28 assure effective patient care and treatment(~~(, and to provide for the~~  
29 ~~general administration)~~) of tuberculosis (~~(hospital facilities operated~~  
30 ~~pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060)~~).

31       **Sec. 9.** RCW 70.33.040 and 1975 1st ex.s. c 291 s 4 are each  
32 amended to read as follows:

33       In order to maintain adequate (~~tuberculosis hospital facilities~~  
34 ~~and to provide for adequate hospitalization, nursing home and other~~  
35 ~~appropriate~~) facilities and services for the residents of the state of  
36 Washington who are or may be suffering from tuberculosis and to assure  
37 their proper care, the standards set by the secretary (~~(pursuant to RCW~~  
38 ~~70.33.020 and 70.32.050 and 70.32.060)~~) under this chapter and chapter

1 70.28 RCW, the legislative authority of each county shall budget  
2 annually a sum to provide such services in the county.

3 ~~((If such counties desire to receive state services, they may elect  
4 to utilize funds pursuant to this section for the purpose of  
5 contracting with the state upon agreement by the state for the cost of  
6 providing tuberculosis hospitalization and/or outpatient treatment  
7 including laboratory services, or such))~~ The funds may be retained by  
8 the county for operating its own services for the prevention and  
9 treatment of tuberculosis or any other community health purposes  
10 authorized by law. None of ~~((such))~~ the counties shall be required to  
11 make any payments to the state or any other agency from these funds  
12 except ~~((upon the express consent of the county legislative authority:  
13 PROVIDED, That))~~ as authorized by the local health department.  
14 However, if the counties do not comply with the ~~((promulgated))~~ adopted  
15 standards of the department, the secretary shall take action to provide  
16 ~~((such))~~ the required services and to charge the affected county  
17 directly for the provision of these services by the state.

18 NEW SECTION. Sec. 10. A new section is added to chapter 70.30 RCW  
19 to read as follows:

20 The definitions in this section apply throughout this chapter  
21 unless the context clearly requires otherwise.

22 (1) "Department" means the department of health.

23 (2) "Hospital approved to treat tuberculosis" means any hospital  
24 meeting requirements to treat tuberculosis as described in WAC 246-318-  
25 035.

26 (3) "Secretary" means the secretary of the department of health or  
27 his or her designee.

28 (4) "Tuberculosis control" refers to the procedures administered in  
29 the counties for the control and prevention of tuberculosis, but does  
30 not include hospitalization.

31 NEW SECTION. Sec. 11. (1) RCW 70.33.010 and 70.33.020 are each  
32 recodified as sections in chapter 70.28 RCW.

33 (2) RCW 70.32.010 and 70.33.040 are each recodified as sections in  
34 chapter 70.30 RCW.

35 NEW SECTION. Sec. 12. The following acts or parts of acts are  
36 each repealed:

- 1 (1) RCW 70.28.040 and 1899 c 71 s 4;  
2 (2) RCW 70.28.050 and 1967 c 54 s 3 & 1899 c 71 s 5;  
3 (3) RCW 70.30.072 and 1972 ex.s. c 143 s 3;  
4 (4) RCW 70.32.050 and 1971 ex.s. c 277 s 22, 1967 c 54 s 16, 1945  
5 c 66 s 5, & 1943 c 162 s 5;  
6 (5) RCW 70.32.060 and 1971 ex.s. c 277 s 23, 1967 c 54 s 17, 1945  
7 c 66 s 6, & 1943 c 162 s 6;  
8 (6) RCW 70.33.030 and 1983 c 3 s 173, 1973 1st ex.s. c 213 s 3, &  
9 1971 ex.s. c 277 s 17; and  
10 (7) RCW 70.33.060 and 1971 ex.s. c 277 s 20.

11 NEW SECTION. **Sec. 13.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

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