

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1371

Chapter 172, Laws of 1999

56th Legislature
1999 Regular Session

TUBERCULOSIS--REPORTING AND TREATMENT

EFFECTIVE DATE: 7/25/99

Passed by the House April 19, 1999
Yeas 97 Nays 0

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 7, 1999
Yeas 45 Nays 0

BRAD OWEN
President of the Senate

Approved May 5, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1371** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 5, 1999 - 3:50 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1371

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Ruderman, Alexander and O'Brien; by request of Department of Health)

Read first time 03/01/1999.

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11 outdated, and not in concert with current clinical practice and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) "Secretary" means the secretary of the department of health or
25 his or her designee;
26 (3) (~~((("Tuberculosis hospital" and "tuberculosis hospital facility"~~
27 ~~refer to hospitals for the care of persons suffering from tuberculosis;~~
28 ~~(4)))~~) "Tuberculosis control" refers to the procedures administered
29 in the counties for the control (~~((and))~~), prevention, and treatment of
30 tuberculosis(~~((, but does not include hospitalization))~~).

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

33 (~~((From and after August 9, 1971,))~~) The secretary shall have
34 responsibility for establishing standards for the control, prevention,
35 and treatment of tuberculosis and (~~((shall have administrative~~
36 ~~responsibility and control for all tuberculosis))~~) hospitals
37 (~~((facilities))~~) approved to treat tuberculosis in the state operated

1 (~~pursuant to~~) under this chapter and chapter 70.30 RCW (~~(70.32.010,~~
2 ~~70.32.050, and 70.32.060)~~) and for providing, either directly or
3 through agreement, contract, or purchase, (~~hospital, nursing home and~~
4 ~~other~~) appropriate facilities and services (~~(including laboratory~~
5 ~~services)~~) for persons who are, or may be suffering from tuberculosis
6 except as otherwise provided by RCW 70.30.061(~~(, 70.33.020, 70.33.030,~~
7 ~~and 70.33.040)~~) or this section.

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

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

19 (2) (~~To appoint a medical director for each tuberculosis hospital~~
20 ~~facility operated pursuant to this chapter and RCW 70.32.010,~~
21 ~~70.32.050, and 70.32.060;~~

22 (~~3~~)) Adopt such rules (~~(and regulations)~~) as are necessary to
23 assure effective patient care and treatment (~~(, and to provide for the~~
24 ~~general administration)~~) of tuberculosis (~~(hospital facilities operated~~
25 ~~pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060)~~).

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

28 In order to maintain adequate (~~(tuberculosis hospital facilities~~
29 ~~and to provide for adequate hospitalization, nursing home and other~~
30 ~~appropriate)~~) facilities and services for the residents of the state of
31 Washington who are or may be suffering from tuberculosis and to assure
32 their proper care, (~~(the standards set by the secretary pursuant to RCW~~
33 ~~70.33.020 and 70.32.050 and 70.32.060,)~~) the legislative authority of
34 each county shall budget annually a sum to provide such services in the
35 county.

36 (~~If such counties desire to receive state services, they may elect~~
37 ~~to utilize funds pursuant to this section for the purpose of~~
38 ~~contracting with the state upon agreement by the state for the cost of~~

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

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

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

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

18 (2) "Secretary" means the secretary of the department of health or
19 his or her designee.

20 (3) "Tuberculosis control" refers to the procedures administered in
21 the counties for the control, prevention, and treatment of
22 tuberculosis.

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

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

27 NEW SECTION. Sec. 12. The following acts or parts of acts are
28 each repealed:

29 (1) RCW 70.28.040 and 1899 c 71 s 4;

30 (2) RCW 70.28.050 and 1967 c 54 s 3 & 1899 c 71 s 5;

31 (3) RCW 70.30.072 and 1972 ex.s. c 143 s 3;

32 (4) RCW 70.32.050 and 1971 ex.s. c 277 s 22, 1967 c 54 s 16, 1945
33 c 66 s 5, & 1943 c 162 s 5;

34 (5) RCW 70.32.060 and 1971 ex.s. c 277 s 23, 1967 c 54 s 17, 1945
35 c 66 s 6, & 1943 c 162 s 6;

1 (6) RCW 70.33.030 and 1983 c 3 s 173, 1973 1st ex.s. c 213 s 3, &
2 1971 ex.s. c 277 s 17; and

3 (7) RCW 70.33.060 and 1971 ex.s. c 277 s 20.

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

Passed the House April 19, 1999.

Passed the Senate April 7, 1999.

Approved by the Governor May 5, 1999.

Filed in Office of Secretary of State May 5, 1999.