

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2452

54th Legislature
1996 Regular Session

Passed by the House March 4, 1996
Yeas 94 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate February 29, 1996
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2452** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2452

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

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 ((~~isolation or quarantine~~)) order to that effect in writing, setting
35 forth the name of the person ((~~to be isolated~~)), the period of time
36 during which the order shall remain effective, the place of treatment,
37 isolation, or quarantine, and such other terms and conditions as may be
38 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 tenets and practice
17 of any well-recognized church or religious denomination, nor shall
18 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) of this~~
6 ~~section by December 31, 1994.))~~

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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