

2 SHB 1371 - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED 4/7/99

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

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9 outdated, and not in concert with current clinical practice and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

13 Sec. 2. RCW 70.28.010 and 1996 c 209 s 1 are each amended to read
14 as follows:

15 All practicing ~~((physicians))~~ health care providers in the state
16 are hereby required to report to the local ~~((boards of))~~ health ~~((in~~
17 ~~writing, the name, age, sex, occupation and residence))~~ department
18 cases of every person having tuberculosis who has been attended by, or
19 who has come under the observation of ~~((such physician)),~~ the health
20 care provider within one day thereof.

21 Sec. 3. RCW 70.28.020 and 1967 c 54 s 2 are each amended to read
22 as follows:

23 All local ~~((boards of))~~ health departments in this state are hereby
24 required to receive and keep a ~~((permanent))~~ record, for a period of
25 ten years from the date of the report, of the reports required by RCW
26 70.28.010 to be made to them; such records shall not be open to public
27 inspection, but shall be submitted to the proper inspection of other
28 local health departments and ~~((state boards))~~ of the department of
29 health alone, and such records shall not be published nor made public.

30 Sec. 4. RCW 70.28.037 and 1967 c 54 s 7 are each amended to read
31 as follows:

32 Where it has been determined after an examination as prescribed
33 ~~((above,))~~ in this chapter that an individual has active tuberculosis,

1 (~~and he resides in a county in which no tuberculosis facility is~~
2 ~~located,~~) upon application to the superior court by the local health
3 officer, the superior court (~~may~~) shall order the sheriff to
4 transport (~~said~~) the individual to a designated (~~tuberculosis~~)
5 facility for isolation, treatment, and care until such time as the
6 (~~medical director of the hospital~~) local health officer or designee
7 determines that (~~his~~) the patient's condition is such that it is safe
8 for (~~him~~) the patient to be discharged from the facility.

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

11 Any person residing in the state and needing treatment for
12 tuberculosis(~~)~~) may apply in person to the local health officer or to
13 any licensed physician, advanced registered nurse practitioner, or
14 licensed physician assistant for examination and if (~~such physician~~)
15 that health care provider has reasonable cause to believe that (~~said~~)
16 the person is suffering from tuberculosis in any form he or she may
17 apply to the local health officer or (~~tuberculosis hospital director~~)
18 designee for admission of (~~said~~) the person to an appropriate
19 facility for the care and treatment of tuberculosis.

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

22 Tuberculosis is a communicable disease and tuberculosis (~~control,~~
23 ~~case finding,~~) prevention, treatment, control, and follow up of known
24 cases of tuberculosis (~~represents~~) are the basic steps in the
25 (~~conquest~~) control of this major health problem. In order to carry
26 on such work effectively in accordance with the standards set by the
27 secretary (~~pursuant to~~) under RCW 70.33.020 (as recodified by this
28 act), the legislative authority of each county shall budget a sum to be
29 used for the control of tuberculosis, including case finding,
30 prevention, treatment, and follow up of known cases of tuberculosis.
31 Under no circumstances should this section be construed to mean that
32 the legislative authority of each county shall budget sums to provide
33 tuberculosis treatment when the patient has the ability to pay for the
34 treatment. Each patient's ability to pay for the treatment shall be
35 assessed by the local health department.

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

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

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

8 (2) "Secretary" means the secretary of the department of health or
9 his or her designee;

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

12 ~~(4))~~ "Tuberculosis control" refers to the procedures administered
13 in the counties for the control ~~((and)), prevention, and treatment of~~
14 tuberculosis ~~((, but does not include hospitalization)).~~

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

17 ~~((From and after August 9, 1971,)) The secretary shall have~~
18 ~~responsibility for establishing standards for the control, prevention,~~
19 ~~and treatment of tuberculosis and ~~((shall have administrative~~~~
20 ~~responsibility and control for all tuberculosis)) hospitals~~
21 ~~((facilities)) approved to treat tuberculosis in the state operated~~
22 ~~((pursuant to)) under this chapter and chapter 70.30 RCW ~~((70.32.010,~~
23 ~~70.32.050, and 70.32.060)) and for providing, either directly or~~
24 ~~through agreement, contract, or purchase, ~~((hospital, nursing home and~~~~
25 ~~other)) appropriate facilities and services ~~((including laboratory~~~~
26 ~~services)) for persons who are, or may be suffering from tuberculosis~~
27 ~~except as otherwise provided by RCW 70.30.061 ~~((, 70.33.020, 70.33.030,~~~~
28 ~~and 70.33.040)) or this section.~~~~

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

31 (1) To develop and enter into such agreements, contracts, or
32 purchase arrangements with counties and public and private agencies or
33 institutions to provide for hospitalization, nursing home, or other
34 appropriate facilities and services, including laboratory services, for
35 persons who are or may be suffering from tuberculosis ~~((, or to provide~~
36 ~~for and maintain any tuberculosis hospital facility which the secretary~~
37 ~~determines is necessary to meet the needs of the state, to determine~~

1 where such hospitals shall be located and to adequately staff such
2 hospitals to meet patient care needs));

3 (2) (~~To appoint a medical director for each tuberculosis hospital~~
4 ~~facility operated pursuant to this chapter and RCW 70.32.010,~~
5 ~~70.32.050, and 70.32.060;~~

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

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

12 In order to maintain adequate (~~tuberculosis hospital facilities~~
13 ~~and to provide for adequate hospitalization, nursing home and other~~
14 ~~appropriate~~) facilities and services for the residents of the state of
15 Washington who are or may be suffering from tuberculosis and to assure
16 their proper care, (~~the standards set by the secretary pursuant to RCW~~
17 ~~70.33.020 and 70.32.050 and 70.32.060,~~) the legislative authority of
18 each county shall budget annually a sum to provide such services in the
19 county.

20 (~~If such counties desire to receive state services, they may elect~~
21 ~~to utilize funds pursuant to this section for the purpose of~~
22 ~~contracting with the state upon agreement by the state for the cost of~~
23 ~~providing tuberculosis hospitalization and/or outpatient treatment~~
24 ~~including laboratory services, or such~~) The funds may be retained by
25 the county for operating its own services for the prevention and
26 treatment of tuberculosis (~~or any other community health purposes~~
27 ~~authorized by law~~). None of (~~such~~) the counties shall be required
28 to make any payments to the state or any other agency from these funds
29 except (~~upon the express consent of the county legislative authority:~~
30 ~~PROVIDED, That~~) as authorized by the local health department.
31 However, if the counties do not comply with the (~~promulgated~~) adopted
32 standards of the department, the secretary shall take action to provide
33 (~~such~~) the required services and to charge the affected county
34 directly for the provision of these services by the state.

35 NEW SECTION. **Sec. 10.** A new section is added to chapter 70.30 RCW
36 to read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

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

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

6 (3) "Tuberculosis control" refers to the procedures administered in
7 the counties for the control, prevention, and treatment of
8 tuberculosis.

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

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

13 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
14 each repealed:

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

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

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

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

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

22 (6) RCW 70.33.030 and 1983 c 3 s 173, 1973 1st ex.s. c 213 s 3, &
23 1971 ex.s. c 277 s 17; and

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

25 NEW SECTION. **Sec. 13.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected."

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32 On page 1, beginning on line 2 of the title, after "tuberculosis;"
33 strike the remainder of the title and insert "amending RCW 70.28.010,
34 70.28.020, 70.28.037, 70.30.061, 70.32.010, 70.33.010, 70.33.020, and

1 70.33.040; adding new sections to chapter 70.30 RCW; adding new
2 sections to chapter 70.28 RCW; creating a new section; recodifying RCW
3 70.33.010, 70.33.020, 70.32.010, and 70.33.040; and repealing RCW
4 70.28.040, 70.28.050, 70.30.072, 70.32.050, 70.32.060, 70.33.030, and
5 70.33.060."

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