

HB 1471 -- Tuberculosis Testing

Sponsor: Frederick

This bill changes the laws regarding the requirements for the testing of persons with tuberculosis (TB). In its main provisions, the bill:

(1) Allows the local public health authority to institute proceedings by petition for directly observed therapy (DOT) or commitment when a person with TB violates state rules and regulations. A general allegation that the public health requires therapy or commitment of the person with TB is sufficient;

(2) Allows the Department of Health and Senior Services to contract for the care of a person with TB. The contract must provide state payment will be available for the treatment and care of the patients only after benefits from all third-party payers have been exhausted;

(3) Specifies that a person with TB cannot be required to submit to medical or surgical treatment without his or her consent unless a circuit court authorizes treatment by a written order or as otherwise permitted by law;

(4) Specifies that if a person with TB who is committed to a facility for treatment leaves the facility without a proper discharge, he or she can be prosecuted if appropriate;

(5) Allows a patient with TB or the patient's next of kin to petition the circuit court that originally issued the commitment order if he or she believes the contagious TB no longer exists and that discharging the patient from the facility is not a public health danger;

(6) Prohibits any person who is knowingly infected with TB from acting in a reckless manner to expose another person who has not consented to being exposed, reporting to work with active contagious TB, or violating the requirements of a commitment order. A person who violates these provisions is guilty of a class D felony unless the victim contracts TB, in which case it is a class C felony;

(7) Authorizes the department to respond to TB cases, outbreaks, and disease investigations;

(8) Authorizes the department or the local public health authority to investigate and examine suspected TB cases, require the administration of TB treatments, and make the necessary

contractual arrangements with health care providers to care and treat persons with TB as resources permit;

(9) Requires the department or local public health authority to immediately initiate an investigation when notified of an active TB case within its jurisdiction. In order to prevent or control TB, the department or the local public health authority can enter and inspect public places, any public or commercial means of transportation, and private property with the consent of the property owner or by an ex parte order; and

(10) Requires all volunteers and employees of health care facilities to receive a tuberculin skin test or interferon gamma release assay test upon employment as recommended in the most recent version of the Centers for Disease Control and Prevention guidelines. All college and university campuses in the state must implement testing for all on-campus students upon matriculation and any student who does not comply with the testing cannot be permitted to maintain enrollment in the subsequent semester.