

SB 197 -- TUBERCULOSIS TESTING

SPONSOR: Sater (Frederick)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Health Care Policy by a vote of 9 to 0.

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 health agency 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 is committed to a facility for treatment and 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 B misdemeanor unless the victim contracts TB in which case it is a class A misdemeanor;

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

(8) 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 institutions of higher education in the state must implement testing for all faculty and 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. If an institution does not have a student health center or similar facility, any person considered to be at high risk for TB must be referred to a local public health agency.

PROPOSERS: Supporters say that TB is easily spread and quarantining a person is increasingly difficult. The bill gives the Department of Health and Senior Services the ability to quarantine people and also helps with targeted testing of populations at-risk for TB.

Testifying for the bill was Senator Sater.

OPPOSERS: There was no opposition voiced to the committee.