

SB 197 -- DISEASE MANAGEMENT

This bill changes the laws regarding meningococcal disease information and the testing of persons with tuberculosis (TB). In its main provisions, the bill:

(1) Requires the Department of Health and Senior Services to develop an informational brochure about meningococcal disease. The department must make the brochure available on its website and must notify every public institution of higher education that the brochure is available. Every institution must provide a copy of the brochure to all students and the parent or guardian of a student who is younger than 18 years of age. The brochure must include:

(a) A statement that an immunization against the disease is available;

(b) The risk factors for and symptoms of the disease, how it may be diagnosed, and the possible consequences if the disease is left untreated;

(c) How the disease is transmitted;

(d) The latest scientific information on immunization for the disease and its effectiveness; and

(e) A statement that any questions or concerns regarding immunization against the disease can be answered by the individual's health care provider;

(2) Allows the local public health authority to also institute proceedings by petition for directly-observed therapy or commitment when a person with TB violates state rules and regulations. Strictness of pleading cannot be required and a general allegation that the public health requires therapy or commitment of the person with TB must be sufficient;

(3) Allows the department to contract for the care of a person with TB. The contract must provide that state payment will be available for the treatment and care of a patient only after benefits from all third-party payers have been exhausted;

(4) 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 the treatment by a written order or as otherwise permitted by law;

(5) 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;

(6) Allows a patient with TB or if incapacitated, the patient's legal guardian, or if a minor, a parent or next of kin to petition the circuit court that originally issued the commitment order if he or she believes that the patient no longer has contagious TB or that discharging the patient from the facility is not a public health danger;

(7) Prohibits any person who is knowingly infected with active pulmonary or laryngeal tuberculosis from acting in a reckless manner by exposing another person without the knowledge and consent of the person to being exposed, reporting to work with active contagious TB, or violating the requirements of a commitment order. A person who violates any of these provisions is guilty of a class B misdemeanor unless the victim contracts TB in which case it is a class A misdemeanor;

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

(9) Requires all volunteers and employees of a health care facility 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 a targeted 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 identified to be at high risk for TB must be referred to a local public health agency for specified action.