

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 849 Session of
1997

INTRODUCED BY GREENLEAF, AFFLERBACH, SALVATORE AND STOUT,
APRIL 1, 1997

REFERRED TO PUBLIC HEALTH AND WELFARE, APRIL 1, 1997

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),
2 entitled, as amended, "An act providing for the prevention
3 and control of communicable and non-communicable diseases
4 including venereal diseases, fixing responsibility for
5 disease prevention and control, requiring reports of
6 diseases, and authorizing treatment of venereal diseases, and
7 providing for premarital and prenatal blood tests; amending,
8 revising and consolidating the laws relating thereto; and
9 repealing certain acts," further providing for the prevention
10 and control of tuberculosis.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 7 of the act of April 23, 1956 (1955
14 P.L.1510, No.500), known as the Disease Prevention and Control
15 Law of 1955, amended September 11, 1959 (P.L.865, No.343), is
16 amended to read:

17 Section 7. Examination and Diagnosis of Persons Suspected of
18 Being Infected with Venereal Disease[, Tuberculosis] or any
19 other Communicable Disease, or of Being a Carrier.--

20 Whenever the secretary or a local qualified medical health
21 officer has reasonable grounds to suspect any person of being

1 infected with a venereal disease[, tuberculosis] or any other
2 communicable disease, or of being a carrier, he shall require
3 the person to undergo a medical examination and any other
4 approved diagnostic procedure, to determine whether or not he is
5 infected with a venereal disease[, tuberculosis] or any other
6 communicable disease, or is a carrier. In the event that the
7 person refuses to submit to the examination, the secretary or
8 the local qualified medical health officer may (1) cause the
9 person to be quarantined until it is determined that he is not
10 infected with a venereal disease[, tuberculosis] or any other
11 communicable disease, or of being a carrier, or (2) file a
12 petition in the court of common pleas of the county in which the
13 person is present, which petition shall have appended thereto a
14 statement, under oath, by a physician duly licensed to practice
15 in the Commonwealth, that such person is suspected of being
16 infected with venereal disease[, tuberculosis] or any other
17 communicable disease, or that such person is suspected of being
18 a carrier. Upon filing of such petition, the court shall, within
19 twenty-four hours after service of a copy thereof upon the
20 respondent, hold a hearing, without a jury, to ascertain whether
21 the person named in the petition has refused to submit to an
22 examination to determine whether he or she is infected with
23 venereal disease[, tuberculosis] or any other communicable
24 disease, or that such person is a carrier. Upon a finding that
25 the person has refused to submit to such examination and that
26 there was no valid reason for such person so to do, the court
27 shall forthwith order such person to submit to the examination.
28 The certificate of the physician appended to the petition shall
29 be received in evidence and shall constitute prima facie
30 evidence that the person therein named is suspected of being

1 infected with venereal disease[, tuberculosis] or any other
2 communicable disease, or that such person is a carrier. The
3 examination ordered by the court may be performed by a physician
4 of his own choice at his own expense. The examination shall
5 include physical and laboratory tests performed in a laboratory
6 approved by the secretary, and shall be conducted in accordance
7 with accepted professional practices, and the results thereof
8 shall be reported to the local health board or health department
9 on forms furnished by the Department of Health. Any person
10 refusing to undergo an examination, as herein provided, may be
11 committed by the court to an institution in this Commonwealth
12 determined by the Secretary of Health to be suitable for the
13 care of such cases.

14 Section 2. The act is amended by adding a section to read:

15 Section 7.1. Tuberculosis.--

16 (a) (1) A person shall submit to an examination to detect
17 an active case of tuberculosis whenever, in the opinion of an
18 officer of the department, an examination is necessary to
19 preserve and protect the public health.

20 (2) An examination under this section shall be by written
21 order of the officer of the department, and shall include the
22 name of the person to be examined and the time and place of the
23 examination. The person to be examined shall be personally
24 served with a copy of the order within a reasonable time before
25 the examination is scheduled to take place. An examination under
26 this section shall be conducted by a physician licensed in this
27 Commonwealth.

28 (b) (1) Upon detection of active tuberculosis, a physician
29 must report such case to the department.

30 (2) An officer of the department shall take steps to ensure

1 that an infected person is meeting all the requirements of a
2 physician's direction for treatment.

3 (3) If upon inspection, an officer of the department finds
4 that an infected person is not fulfilling his treatment
5 provision, the officer may by written order isolate the infected
6 person in an appropriate facility for a period not to exceed
7 ninety-six hours. The infected person shall be personally served
8 with a copy of such order.

9 (4) In conjunction with that order the officer of the
10 department may also file a petition in the court of common pleas
11 to have an infected person committed for treatment in an
12 appropriate facility for a period not to exceed six months. The
13 infected person shall be personally served with a copy of that
14 petition and any related judicial orders as they result from
15 that petition.

16 (c) (1) The costs for examination and treatment as ordered
17 in subsections (a) and (b) of this section shall be borne by the
18 infected person. If the person is deemed unable to pay, the
19 department shall provide and pay for any services after any
20 insurance, workers' compensation, retirement plan or other
21 benefits accruing to the patient has been exhausted.

22 (2) The diagnosis, control and treatment of tuberculosis
23 shall be under the supervision and authority of the department
24 and shall be available to all persons, regardless of their
25 ability to pay.

26 (3) The department shall request a separate appropriation to
27 cover any costs incurred in the enforcement of this section.

28 (d) A person commits a misdemeanor of the third degree if he
29 refuses to comply with an order issued pursuant to this section.

30 (e) (1) An employe of a public or private elementary

1 school, secondary school or licensed day care center shall be
2 tested annually to detect active cases of tuberculosis.

3 (2) Any such employe who refuses to submit to the test shall
4 be suspended until the employe has been tested.

5 (3) The district superintendent, principal, day care center
6 director, or chief administrative officer shall collect the
7 results of those tests and shall forward a report to the
8 department.

9 (f) The department shall promulgate regulations concerning
10 the testing methods and reporting methods necessary for the
11 enforcement of this section. These regulations may prescribe
12 reasonable exceptions to this section. These regulations shall
13 also designate, or describe the procedure for designating, the
14 isolation or treatment facilities provided for under clauses (3)
15 and (4) of subsection (b) of this section.

16 Section 3. This act shall take effect in 60 days.