

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2041 Session of
2007

INTRODUCED BY BENNINGHOFF, WATSON, ADOLPH, BAKER, BELFANTI,
BEYER, BOBACK, CLYMER, COHEN, DALLY, J. EVANS, FLECK,
FRANKEL, GEIST, GIBBONS, HARHAI, HARHART, HERSHEY,
HUTCHINSON, KENNEY, MACKERETH, MANN, MCGEEHAN, MCILHATTAN,
R. MILLER, MOYER, MURT, NAILOR, PAYNE, PICKETT, QUINN, RAPP,
REICHLLEY, ROAE, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SEIP,
STERN, SWANGER, J. TAYLOR, WAGNER AND YOUNGBLOOD,
NOVEMBER 19, 2007

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
NOVEMBER 19, 2007

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," requiring reports of cases of
10 methicillin-resistant Staphylococcus aureus; providing for
11 examination and diagnosis of persons suspected of having
12 methicillin-resistant Staphylococcus aureus; further
13 providing for examinations; and further providing for rules
14 and regulations of the board.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The title of the act of April 23, 1956 (1955
18 P.L.1510, No.500), known as the Disease Prevention and Control
19 Law of 1955, amended July 5, 1957 (P.L.495, No.279), is amended
20 to read:

1 AN ACT

2 Providing for the prevention and control of communicable and
3 non-communicable diseases including venereal diseases, fixing
4 responsibility for disease prevention and control, requiring
5 reports of diseases and methicillin-resistant Staphylococcus
6 aureus, 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.

10 Section 2. Section 2(k) of the act is amended and the
11 section is amended by adding a subsection to read:

12 Section 2. Definitions.--

13 The following terms, whenever used in this act, have the
14 meanings indicated in this section, except where the context
15 indicates a clearly different meaning:

16 * * *

17 (g.1) Methicillin-resistant Staphylococcus aureus or MRSA.
18 A strain of bacteria that is resistant to certain antibiotics
19 and is difficult to treat medically, commonly known as a
20 "superbug."

21 * * *

22 (k) Reportable disease. (a) Any communicable disease
23 declared reportable by regulation; (b) any unusual or group
24 expression of illness which, in the opinion of the secretary,
25 may be a public health emergency; [and] (c) such non-
26 communicable diseases and conditions for which the secretary may
27 authorize reporting to provide data and information which, in
28 the opinion of the Advisory Health Board, are needed in order
29 effectively to carry out those programs of the department
30 designed to protect and promote the health of the people of the

1 Commonwealth, or to determine the need for the establishment of
2 such programs; and (d) methicillin-resistant Staphylococcus
3 aureus (MRSA).

4 * * *

5 Section 3. Section 4 of the act is amended to read:

6 Section 4. Reports.--

7 (a) Every physician who treats or examines any person who is
8 suffering from or who is suspected of having a communicable
9 disease or methicillin-resistant Staphylococcus aureus (MRSA),
10 or any person who is or who is suspected of being a carrier,
11 shall make a prompt report of the disease or infection in the
12 manner prescribed by regulation to the local board or department
13 of health which serves the municipality where the disease or
14 infection occurs or where the carrier resides or to the
15 department if so provided by regulation.

16 (b) The department or local boards or departments of health
17 may require the heads of hospitals and other institutions, the
18 directors of laboratories, school authorities, the proprietors
19 of hotels, roentgenologists, lodging houses, rooming houses or
20 boarding houses, nurses, midwives, householders, and other
21 persons having knowledge or suspicion of any communicable
22 disease or methicillin-resistant Staphylococcus aureus (MRSA),
23 to make a prompt report of the disease or infection in a manner
24 prescribed by regulation to the local board or department of
25 health which serves the municipality where the disease or
26 infection occurs, or to the department if so provided by
27 regulation.

28 (c) Local boards or departments of health shall make reports
29 of the diseases reported to them and of the cases of
30 methicillin-resistant Staphylococcus aureus (MRSA) reported to

1 them to the department at such times and in such manner as shall
2 be provided for by regulation.

3 (d) Every physician or every person in charge of any
4 institution for the treatment of diseases shall be authorized,
5 upon request of the secretary, to make reports of such diseases
6 and conditions other than communicable diseases which in the
7 opinion of the Advisory Health Board are needed to enable the
8 secretary to determine and employ the most efficient and
9 practical means to protect and to promote the health of the
10 people by the prevention and control of such diseases and
11 conditions other than communicable diseases. The reports shall
12 be made upon forms prescribed by the secretary and shall be
13 transmitted to the department or to local boards or departments
14 of health as requested by the secretary.

15 Section 4. Section 7 of the act, amended September 11, 1959
16 (P.L.865, No.343), is amended to read:

17 Section 7. Examination and Diagnosis of Persons Suspected of
18 Being Infected with Venereal Disease, methicillin-resistant
19 Staphylococcus aureus (MRSA), Tuberculosis or any other
20 Communicable Disease, or of Being a Carrier.--

21 Whenever the secretary or a local qualified medical health
22 officer has reasonable grounds to suspect any person of being
23 infected with a venereal disease, methicillin-resistant
24 Staphylococcus aureus (MRSA), tuberculosis or any other
25 communicable disease, or of being a carrier, he shall require
26 the person to undergo a medical examination and any other
27 approved diagnostic procedure, to determine whether or not he is
28 infected with a venereal disease, methicillin-resistant
29 Staphylococcus aureus (MRSA), tuberculosis or any other
30 communicable disease, or is a carrier. In the event that the

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

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

11 Section 5. Section 16(a) of the act is amended to read:

12 Section 16. Rules and Regulations.--

13 (a) The Board may issue rules and regulations with regard to
14 the following:

15 (1) the communicable and non-communicable diseases, which
16 are to be reportable;

17 (2) the methods of reporting of diseases and methicillin-
18 resistant Staphylococcus aureus (MRSA), the contents of reports
19 and the health authorities to whom diseases and methicillin-
20 resistant Staphylococcus aureus (MRSA) are to be reported;

21 (3) the communicable diseases which are to be subject to
22 isolation, quarantine, or other control measures;

23 (4) the duration of the periods of isolation and quarantine;

24 (5) the enforcement of isolation quarantine and other
25 control measures;

26 (6) the immunization and vaccination of persons and animals;

27 (7) the prevention and control of disease in public and
28 private schools;

29 (8) the regulation of carriers;

30 (9) The advertisement of treatment, prophylaxis, diagnosis,

1 and cure of venereal diseases and the information which
2 physicians must convey to persons being treated for a venereal
3 disease in a communicable stage;

4 (11) the prevention and control of non-communicable
5 diseases; and

6 (12) any other matters it may deem advisable for the
7 prevention and control of disease and methicillin-resistant
8 Staphylococcus aureus (MRSA) and for carrying out the provisions
9 and purposes of this act.

10 * * *

11 Section 6. This act shall take effect in 60 days.