

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 50

(By Mr. Speaker Mr. Amiss)



PASSED February 10th 1947

In Effect Ninety Days from Passage

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House Bill No. 50

(By MR. SPEAKER, MR. AMOS)

(Originating in the Interim Committee on Health)

[Passed February 10, 1947; in effect ninety days from passage.]

AN ACT to amend chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be designated article five-b, relating to tuberculosis control and to the supervision and management of state institutions for the care of persons suffering from tuberculosis.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article to be designated article five-b, to read as follows:

Article 5-b. Tuberculosis Control

Section 1. *Report of Admissions; Registration by*
2 *Department of Health.*—The superintendent of each state
3 tuberculosis institution shall within ten days after the

4 admission of any patient report the admission to the
5 department of health together with any other information
6 the department of health may require. He shall make a
7 similar report of the discharge or death of any patient.

8 From such reports and other sources, the department of
9 health shall prepare and keep current a register of per-
10 sons in this state who are suffering from tuberculosis.

11 The name of a person so registered shall not be made
12 public nor shall the register be accessible to anyone ex-
13 cept by order of the department of health, the patient,
14 or by order of the judge of a court of record.

Sec. 2. *Forms for Committing Patients; Other Records.*

2 —The board of control shall have authority, in consulta-
3 tion with the superintendents of the tuberculosis insti-
4 tutions, to prepare, prescribe, and have printed forms to
5 be used in committing patients to any state tuberculosis
6 institution.

7 For each patient there shall be kept a case record with
8 such complete information as to aid in qualifying all
9 state tuberculosis institutions for the training of internes
10 and nurses with a specialty in tuberculosis.

11 Whenever a patient is transferred from one state tuber-
12 culosis institution to another, his complete record shall
13 be forwarded to the institution to which the patient is
14 being transferred.

Sec. 3. *Maintenance of Patients' Reimbursement.*—The
2 cost of the maintenance of patients admitted to state
3 tuberculosis institutions shall be paid out of funds ap-
4 propriated for the respective institutions, but the institu-
5 tion, through the department of health, shall have a right
6 of reimbursement from each patient or from the commit-
7 tee or guardian of the estate of the patient, or if that be
8 insufficient, then from the patient's husband, wife, child-
9 ren, father and mother, or any of them, for all or any part
10 of such maintenance, in no case to exceed one dollar
11 per day. In exercising this right of reimbursement, the
12 department of health may, whenever it is deemed just and
13 expedient to do so, exonerate any person chargeable with
14 such maintenance and from the payment thereof in whole
15 or in part, if it finds that he is unable to pay or the pay-
16 ment would work an undue hardship on him or on those
17 dependent upon him.

18 There shall be no discrimination on the part of the in-
19 stitution as to food, care, protection, treatment or rehabil-
20 itation, between patients who pay for their maintenance
21 and those who are unable to do so.

22 It shall be the responsibility of the department of health
23 to determine the ability of the patient or of his relatives
24 to pay for his maintenance.

25 All claims due the institution under the provisions of
26 this section may be collected as provided in chapter
27 fourteen of this code.

 Sec. 4. *Report of Tuberculosis Cases.*—It shall be man-
2 datory for every physician practicing in this state, for
3 every public health officer in the state, and for every chief
4 medical officer having charge of any hospital or clinic or
5 other similar public or private institution in the state, to
6 report in writing to the department of health the name,
7 age, sex, race, home address and type of disease, of every
8 person having tuberculosis who comes under his obser-
9 vation or care. Such report shall be made within forty-
10 eight hours after diagnosis.

 Sec. 5. *Procedure When Patient is Health Menace to*

2 *Others.*—If such practicing physician, public health offi-
3 cer, or chief medical officer having under observation
4 or care any person who is suffering from tuberculosis in
5 a communicable stage is of the opinion that the envir-
6 onmental conditions of such person are not suitable for
7 proper isolation or control by any type of local quaran-
8 tine as prescribed by the state health department, and that
9 such person is unable or unwilling to conduct himself
10 and to live in such a manner as not to expose members of
11 his family or household or other persons with whom he
12 may be associated to danger of infection, he shall report
13 the facts to the department of health which shall forthwith
14 investigate or have investigated the circumstances alleged.
15 If it shall find that any such person's physical condition is
16 a health menace to others, the department of health shall
17 petition the circuit court of the county in which such per-
18 son resides, or the judge thereof in vacation, alleging that
19 such person is afflicted with communicable tuberculosis
20 and that such person's physical condition is a health men-
21 ace to others, and requesting an order of the court com-
22 mitting such person to one of the state tuberculosis in-

stitutions. Upon receiving the petition, the court shall fix a date for hearing thereof and notice of such petition and the time and place for hearing thereof shall be served personally, at least seven days before the hearing, upon the person who is afflicted with tuberculosis and alleged to be dangerous to the health of others. If, upon such hearing, it shall appear that the complaint of the department of health is well founded, that such person is afflicted with communicable tuberculosis, and that such person is a source of danger to others, the court shall commit the individual to an institution maintained for the care and treatment of persons afflicted with tuberculosis. Such person shall be deemed to be committed until discharged in the manner authorized in this section. The chief medical officer of the institution to which any such person has been committed, may discharge such person when in his judgment the person may be discharged without danger to the health or life of others. He shall report immediately to the department of health each such discharge.

Every person committed under the provisions of this

44 section shall observe all the rules and regulations of the
45 institution. Any patient so committed may, by direction
46 of the chief medical officer of the institution, be placed
47 apart from the others and restrained from leaving the in-
48 stitution so long as he continues to be afflicted with tuber-
49 culosis and remains a health menace to other people.

50 Nothing in this section shall be construed to prohibit
51 any person committed to any institution under the pro-
52 visions thereof from applying to the supreme court of
53 appeals for a review of the evidence on which such com-
54 mitment was made. Nothing in this section shall be
55 construed or operate to empower or authorize the board
56 of control, the department of health, or chief medical of-
57 ficer of the institution, or their representatives, to restrict
58 in any manner the individual's right to select any method
59 of tuberculosis treatment offered by the institution.

Sec. 6. *Employees Who Contract Tuberculosis.*—Any

2 employee of a state tuberculosis institution who can prove
3 to the satisfaction of the board of control that he has
4 contracted tuberculosis in the course of and resulting
5 from his employment in one of the institutions, shall be

6 eligible for free treatment in a state-supported institu-
7 tion for the treatment of the disease. He shall also re-
8 ceive, from the funds appropriated to the institution in
9 which he was employed, seventy-five percent of his
10 monthly salary, but in no event more than one hundred
11 dollars per month, for a period not to exceed thirty
12 months.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Joseph L. McKeen

Chairman Senate Committee

R. F. Matthews

Chairman House Committee

Originated in the *Interim Committee*
on health

Takes effect *thirty days from* passage.

Harra Thayer

Clerk of the Senate

J. Ashp

Clerk of the House of Delegates

Donald M. Siders

President of the Senate

John C. Amos

Speaker House of Delegates

The within *Approved* this the *13th*

day of *Feb.*, 1947.

Clarence M. Moore

Governor.



Filed in the Office of the Secretary of State
of West Virginia

FEB 14 1947
WM. S. O'BRIEN,
SECRETARY OF STATE