WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 50

(By Mr. Speaker Mr. Auss)

PASSED February 10th, 1947

In Effect Ninety Days from Passage
ENROLLED

House Bill No. 50

(By Mr. Speaker, Mr. Amos)

(Originating in the Interim Committee on Health)

[Passed February 10, 1917; 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 Department of Health.—The superintendent of each state tuberculosis institution shall within ten days after the
admission of any patient report the admission to the
department of health together with any other information
the department of health may require. He shall make a
similar report of the discharge or death of any patient.
From such reports and other sources, the department of
health shall prepare and keep current a register of per-
sons in this state who are suffering from tuberculosis.
The name of a person so registered shall not be made
public nor shall the register be accessible to anyone ex-
cept by order of the department of health, the patient,
or by order of the judge of a court of record.

Sec. 2. Forms for Committing Patients; Other Records.
The board of control shall have authority, in consulta-
tion with the superintendents of the tuberculosis insti-
tutions, to prepare, prescribe, and have printed forms to
be used in committing patients to any state tuberculosis
institution.
For each patient there shall be kept a case record with
such complete information as to aid in qualifying all
state tuberculosis institutions for the training of internes
and nurses with a specialty in tuberculosis.
Whenever a patient is transferred from one state tuberculosis institution to another, his complete record shall be forwarded to the institution to which the patient is being transferred.

Sec. 3. *Maintenance of Patients' Reimbursement.*—The cost of the maintenance of patients admitted to state tuberculosis institutions shall be paid out of funds appropriated for the respective institutions, but the institution, through the department of health, shall have a right of reimbursement from each patient or from the committee or guardian of the estate of the patient, or if that be insufficient, then from the patient's husband, wife, children, father and mother, or any of them, for all or any part of such maintenance, in no case to exceed one dollar per day. In exercising this right of reimbursement, the department of health may, whenever it is deemed just and expedient to do so, exonerate any person chargeable with such maintenance and from the payment thereof in whole or in part, if it finds that he is unable to pay or the payment would work an undue hardship on him or on those dependent upon him.
There shall be no discrimination on the part of the institution as to food, care, protection, treatment or rehabilitation, between patients who pay for their maintenance and those who are unable to do so.

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

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

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

Sec. 5. Procedure When Patient is Health Menace to
Others.—If such practicing physician, public health officer, or chief medical officer having under observation or care any person who is suffering from tuberculosis in a communicable stage is of the opinion that the environmental conditions of such person are not suitable for proper isolation or control by any type of local quarantine as prescribed by the state health department, and that such person is unable or unwilling to conduct himself and to live in such a manner as not to expose members of his family or household or other persons with whom he may be associated to danger of infection, he shall report the facts to the department of health which shall forthwith investigate or have investigated the circumstances alleged. If it shall find that any such person's physical condition is a health menace to others, the department of health shall petition the circuit court of the county in which such person resides, or the judge thereof in vacation, alleging that such person is afflicted with communicable tuberculosis and that such person's physical condition is a health menace to others, and requesting an order of the court committing 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
section shall observe all the rules and regulations of the institution. Any patient so committed may, by direction of the chief medical officer of the institution, be placed apart from the others and restrained from leaving the institution so long as he continues to be afflicted with tuberculosis and remains a health menace to other people.

Nothing in this section shall be construed to prohibit any person committed to any institution under the provisions thereof from applying to the supreme court of appeals for a review of the evidence on which such commitment was made. Nothing in this section shall be construed or operate to empower or authorize the board of control, the department of health, or chief medical officer of the institution, or their representatives, to restrict in any manner the individual's right to select any method of tuberculosis treatment offered by the institution.

Sec. 6. Employees Who Contract Tuberculosis.—Any employee of a state tuberculosis institution who can prove to the satisfaction of the board of control that he has contracted tuberculosis in the course of and resulting from his employment in one of the institutions, shall be
eligible for free treatment in a state-supported institution for the treatment of the disease. He shall also receive, from the funds appropriated to the institution in which he was employed, seventy-five percent of his monthly salary, but in no event more than one hundred dollars per month, for a period not to exceed thirty months.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Interim Committee on Health
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 13th day of Feb., 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia—FEb 14th 1947

WM. S. O'BRIEN,
SECRETARY OF STATE