

on vouchers approved by the supervisor of water resources and the district engineer of the United States geological survey.

Sec. 2. On and after the effective date of this act the stream gauging fund shall be abolished, and all moneys in the state treasury to the credit of the stream gauging fund shall be transferred to the basic data fund on the effective date of this act, and all moneys thereafter paid into the state treasury for or to the credit of the stream gauging fund shall be transferred to the basic data fund.

Stream gauging fund—  
Abolished—  
Transfer of funds.

Passed the House February 1, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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## CHAPTER 54.

[Engrossed House Bill No. 476.]

### TUBERCULOSIS CONTROL.

AN ACT relating to public health; and providing for the control of tuberculosis; amending sections 1, 2 and 5, chapter 71, Laws of 1899 and RCW 70.28.010, 70.28.020 and 70.28.050; amending sections 1, 3, 4, 5 and 9, chapter 172, Laws of 1913 and RCW 70.30.010, 70.30.040, 70.30.050, 70.30.060 and 70.30.100; amending section 7, chapter 172, Laws of 1913 as amended by section 1, chapter 80, Laws of 1915 and RCW 70.30.080; amending sections 4, 5 and 6, chapter 162, Laws of 1943 as last amended by sections 4, 5 and 6, chapter 66, Laws of 1945 and RCW 70.32.040, 70.32.050 and 70.36.060; amending section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080; repealing section 3, chapter 71, Laws of 1899 and RCW 70.28.030; repealing sections 6, 8, 14 and 16, chapter 172, Laws of 1913 and RCW 70.30.070, 70.30.090, 70.30.120 and 70.30.150; repealing section 4, chapter 117, Laws of 1959 and RCW 70.32.011; repealing sections 1, 2, 3 and 4, chapter 327, Laws of 1955 and RCW 70.32.022 through 70.32.025; repealing section 7, chapter 162, Laws of 1943 as amended by section 7, chapter 66, Laws of 1945 and RCW 70.32.070; repealing sections 1 through 10 and 13 through 19, chapter 86, Laws of 1935 and RCW 70.34.010 through

70.34.190; repealing sections 1 through 6, chapter 220, Laws of 1945 and RCW 70.36.010 through 70.36.060; and providing penalties.

*Be it enacted by the Legislature of the State of Washington:*

RCW 70.28.010 amended.

Section 1. Section 1, chapter 71, Laws of 1899 and RCW 70.28.010 are each amended to read as follows:

Tuberculosis control. Physicians report.

All practicing physicians in the state are hereby required to report to the local boards of health in writing, the name, age, sex, occupation and residence of every person having tuberculosis who has been attended by, or who has come under the observation of such physician within five days thereof.

RCW 70.28.020 amended.

Sec. 2. Section 2, chapter 71, Laws of 1899 and RCW 70.28.020 are each amended to read as follows:

Record of reports.

All local boards of health in this state are hereby required to receive and keep a permanent record of the reports required by RCW 70.28.010 to be made to them; such records shall not be open to public inspection, but shall be submitted to the proper inspection of other local and state boards of health alone, and such records shall not be published nor made public.

RCW 70.28.050 amended.

Sec. 3. Section 5, chapter 71, Laws of 1899, and RCW 70.28.050 are each amended to read as follows:

Enforcement.

It is hereby made the duty of every person having tuberculosis and of every one attending such person, and of the authorities of public and private institutions, hospitals or dispensaries, to observe and enforce the sanitary rules and regulations prescribed from time to time by the local boards of health and by the state board of health for the prevention of the spread of pulmonary tuberculosis.

Duties of local health officers.

Sec. 4. Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or

suspected cases of tuberculosis in the infectious stages within his jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage or persons who have been previously diagnosed as having tuberculosis and who are under medical orders for periodic follow-up examinations and is hereby directed:

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) To make such examinations as deemed necessary of persons who have been previously diagnosed as having tuberculosis and who are under medical orders for periodic follow-up examinations.

(c) Follow local rules and regulations regarding examinations, quarantine, or isolation, and all rules, regulations, and orders of the state board and of the department in carrying out such examination, quarantine or isolation.

(d) Whenever the health officer shall determine on reasonable grounds that an examination of any person is necessary for the preservation and protection of the public health, he shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination for infectious tuberculosis from having such an examination made

Tuberculosis control. Duties of local health officers. Orders.

by a physician of his own choice who is licensed to practice osteopathy and surgery under chapter 18.57 RCW or medicine and surgery under chapter 18.71 RCW under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

(e) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(f) Upon the making of an examination, isolation, or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(g) Upon the receipt of information that any examination, quarantine, or isolation order, made and served as herein provided, has been violated, the health officer shall advise the prosecuting attorney of the county in which such violation has occurred, in writing, and shall submit to such prosecuting attorney the information in his possession relating to the subject matter of such examination, isolation, or quarantine order, and of such violation or violations thereof.

(h) Any and all orders authorized under this section shall be made by the health officer or his tuberculosis control officer.

Violations of order—Penalty.

Sec. 5. Inasmuch as the order provided for by section 4 of this 1967 amendatory act is for the protection of the public health, any person who, after service upon him of an order of a health officer directing his isolation or examination as provided

for in section 4 of this 1967 amendatory act, violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction: *Provided*, That the court, upon suitable assurances that such order of such health officer will be complied with, may place any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with: *And provided further*, That upon any subsequent violation of such order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court.

Sec. 6. In addition to the proceedings set forth in section 5 of this 1967 amendatory act, where a local health officer has reasonable cause to believe that an individual has tuberculosis as defined in the rules and regulations of the state board of health, and the individual refuses to obey the order of the local health officer to appear for an initial examination or a follow-up examination, the health officer may apply to the superior court for an order requiring the individual to comply with the order of the local health officer.

Superior court  
order for com-  
pliance.

Sec. 7. Where it has been determined after an examination as prescribed above, that an individual has active tuberculosis, and he resides in a county in which no tuberculosis facility is located, upon application to the superior court by the local health officer, the superior court may order the sheriff to

Isolation of  
tubercular  
persons.

transport said individual to a designated tuberculosis facility for isolation, treatment and care until such time as the medical director of the hospital determines that his condition is such that it is safe for him to be discharged from the facility.

RCW 70.30.010  
amended.

Sec. 8. Section 1, chapter 172, Laws of 1913 and RCW 70.30.010 are each amended to read as follows:

Public health.  
County and  
city tubercu-  
losis hospitals  
—County shall  
maintain—  
Power of com-  
missioners.

The board of county commissioners of any county shall have power to establish, provide and maintain hospitals for the care and treatment of persons suffering from tuberculosis.

For these purposes, said board of county commissioners shall have the following powers:

To purchase or lease real property therefor or to use for this purpose lands already owned by the county, providing such site shall first be approved by the state board of health.

To erect all necessary buildings, make all necessary improvements or repairs and alter any existing building for the use of said hospital: *Provided*, That the plans for such erection or alteration shall first be approved by the state board of health.

To use county moneys, to levy taxes and to issue bonds as authorized by law to raise a sufficient amount of money to cover the cost of procuring a site, constructing and equipping hospitals and for the maintenance thereof, and all other necessary and proper expenses herein authorized, and create a fund to be known as the "tuberculosis fund", from which all expenses herein provided for shall be paid.

To appoint a board of managers for said hospitals as hereinafter provided. To accept and hold in trust for the county any grant of land, gift or bequest of money, or any donation for the benefit of the purposes of this chapter, and apply the same in accordance with the terms of the gift.

Sec. 9. Section 3, chapter 172, Laws of 1913 and RCW 70.30.040 are each amended to read as follows:

The board of managers shall appoint a medical director of the hospital, who shall be the secretary of the board and shall hold office at the pleasure of said board. Said medical director shall not be a member of the board of managers, and shall be a qualified and licensed practitioner of medicine.

Said board of managers shall fix the salaries of the medical director and all other officers and employees and the management of said hospital shall be entirely in the hands of such board.

Sec. 10. Section 4 of chapter 172, Laws of 1913, and RCW 70.30.050 are each amended to read as follows:

The county treasurer of any county which establishes such a facility shall be the treasurer of such facility, and shall receive all moneys raised by taxation or otherwise or paid for the maintenance of patients of such facility, and shall disburse all moneys to be paid on account of such facility upon warrants drawn upon such fund by the county auditor, as approved by the board of managers.

Sec. 11. Section 5, chapter 172, Laws of 1913, and RCW 70.30.060 are each amended to read as follows:

Any person residing in the state and needing treatment in a tuberculosis facility, may apply in person to the local health officer or to any licensed physician for examination and if such physician has reasonable cause to believe that said person is suffering from tuberculosis in any form he may apply to the local health officer for admission of said person to the facility. Upon receipt of such application, if the local health officer concurs in said diagnosis he shall contact the medical director of the hospital and the local health officer shall notify the person named in such application to appear in person at the hospital. If upon the conclusion of the

RCW 70.30.040  
amended.

Superin-  
tendent—  
Qualification  
—Salary.

RCW 70.30.050  
amended.

Treasurer—  
Duties.

RCW 70.30.060  
amended.

Admissions to  
hospitals.

examination the medical director is satisfied that such person is suffering from tuberculosis he shall be admitted for treatment.

Tuberculosis control. Liability for cost of care and treatment.

Sec. 12. The state board of health shall adopt rules and regulations which establish standards to determine the ability of the patient or his relatives who are liable under the laws of the state of Washington for his support to contribute for his care in any tuberculosis hospital or facility as provided for in this 1967 amendatory act. The standards established by the board shall be enforced by all local health officers. Reports shall be made by the local health officers to the state department of health on forms furnished by the department and as prescribed by it. If the patient or said relatives are not financially able to contribute in whole or in part to his care in the facility, said patient shall be admitted free of charge, or upon the payment of a portion of the charges. The determination by the local health officer of the patient or his relatives to pay shall be made prior to the admission of the patient to the tuberculosis facility.

RCW 70.30.080 amended.

Sec. 13. Section 7, chapter 172, Laws of 1913 as amended by section 1, chapter 80, Laws of 1915 and RCW 70.30.080 are each amended to read as follows:

Inspections.

All tuberculosis hospitals or facilities established or maintained under the provisions of this chapter shall be subject to inspection by any authorized representative of the state board of health, and the board of county commissioners, and the medical director shall admit such representatives into every part of the facility and its buildings, and give them access on demand to all records, reports, books, papers and accounts pertaining to the facility.

RCW 70.30.100 amended.

Sec. 14. Section 9, chapter 172, Laws of 1913, and RCW 70.30.100 are each amended to read as follows:



Any resident of the state of Washington living outside of a county maintaining a tuberculosis hospital or facility may apply for treatment, or any county may apply on behalf of its residents and the same may be provided for out of county funds if said patient or his relatives are unable to pay for such care pursuant to section 12 of this 1967 amendatory act, but nonresidents of a county shall not be provided for to the exclusion of residents of said county: *Provided*, That any resident of the state, residing in a county maintaining a tuberculosis hospital or facility may apply through his local health officer for treatment in a tuberculosis facility in another county if the local health officer determines there is a reasonable basis for the request and if there is a vacant bed therein. If the patient or his relatives are unable to pay for his care as set forth above, the county commissioners shall pay for his care in the tuberculosis facility in the other county.

Admission of nonresidents.

Sec. 15. Section 4, chapter 162, Laws of 1943 as amended by section 4, chapter 66, Laws of 1945 and RCW 70.32.040 are each amended to read as follows:

RCW 70.32.040 amended.

There shall be in all counties maintaining a tuberculosis hospital a medical director who shall be the administrator of the hospital. In case the medical director is a part time employee then the medical director or local health officer may be appointed administrator.

Administrator of the hospital.

Sec. 16. Section 5, chapter 162, Laws of 1943 as amended by section 5, chapter 66, Laws of 1945 and RCW 70.32.050 are each amended to read as follows:

RCW 70.32.050 amended.

All arrangements for hospital care, tuberculosis case finding and post hospital public health follow-up of known cases of tuberculosis shall be the responsibility of the local health officer.

Responsibility of local health officers.

RCW 70.32.060  
amended.

Sec. 17. Section 6, chapter 162, Laws of 1943 as amended by section 6, chapter 66, Laws of 1945 and RCW 70.32.060 are each amended to read as follows:

Tuberculosis  
control—Ad-  
mission of  
patients—Re-  
ports.

The admission of all patients whose maintenance is paid for in whole or in part by county or state funds to a county hospital or facility shall be upon application to the local health officer. Medical reports on the condition of such patients shall be submitted to the health department of the county maintaining the patient's support by the hospital medical director at such times, on such forms and in accordance with such procedure as may be prescribed by the state director of health.

RCW 70.32.080  
amended.

Sec. 18. Section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080 are each hereby amended to read as follows:

Consolidation.

The state director of health shall annually review the tuberculosis hospitalization program in the state to determine if, through the transfer of tuberculosis patients from one tuberculosis hospital or facility into another tuberculosis hospital or facility which maintains good standards of medical care as determined by the state department of health, taking into consideration the welfare of the patients concerned, and the geographic distribution and availability of existing tuberculosis hospitals and facilities, a financial savings will result to the state for tuberculosis control. Prior to giving notice of the proposed transfer, the director of health shall conduct a public hearing in the county in which the tuberculosis hospital or facility is located from which the tuberculosis patients are to be transferred; thirty days' notice of such hearing shall be given by the director of health to the affected hospital and the general public. If the director of health shall determine after the hearing that (1) the welfare of the patient will not be adversely affected, and that (2) financial savings will result to the

state, he shall notify the county requesting that such transfer be effectuated within a reasonable time but not to exceed one year from the date of such notification: *Provided*, That if the said county refuses to make such transfers, the director of health shall not allocate any state funds for tuberculosis control to said county.

**NOTE:** See also section 14, chapter 110, Laws of 1967 ex. sess.

Sec. 19. The following acts or parts of acts and RCW sections are each hereby repealed: Repeal.

(1) Section 3, chapter 71, Laws of 1899 and RCW 70.28.030;

(2) Sections 6, 8, 14 and 16, chapter 172, Laws of 1913 and RCW 70.30.070, 70.30.090, 70.30.120 and 70.30.150;

(3) Section 4, chapter 117, Laws of 1959 and RCW 70.32.011;

(4) Sections 1, 2, 3 and 4, chapter 327, Laws of 1955 and RCW 70.32.022 through 70.32.025;

(5) Section 7, chapter 162, Laws of 1943 as amended by section 7, chapter 66, Laws of 1945 and RCW 70.32.070;

(6) Sections 1 through 10 and 13 through 19, chapter 86, Laws of 1935 and RCW 70.34.010 through 70.34.190; and

(7) Sections 1 through 6, chapter 220, Laws of 1945 and RCW 70.36.010 through 70.36.060.

Sec. 20. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the House March 1, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.