

With the exception of the items described above, the remainder of the bill is approved." Veto
Message

CHAPTER 213
[Substitute House Bill No. 340]
TUBERCULOSIS--HOSPITALIZATION
AND CONTROL

AN ACT Relating to tuberculosis hospitalization and control; amending section 2, chapter 143, Laws of 1972 ex. sess. and RCW 70.30.061; amending section 16, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.020; amending section 17, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.030; amending section 18, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.040; and amending section 8, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.040.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 2, chapter 143, Laws of 1972 ex. sess. and RCW 70.30.061 are each amended to read as follows:

Any person residing in the state and needing treatment for tuberculosis, 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 or tuberculosis hospital director for admission of said person to ((the)) an appropriate ((tuberculosis)) facility for the care and treatment of tuberculosis.

Sec. 2. Section 16, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.020 are each amended to read as follows:

V From and after ((August 9, 1974)) January 1, 1974, the secretary shall have responsibility for establishing standards for the control, prevention and treatment of tuberculosis and shall have ((sete)) administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 and for providing, either directly or through agreement, contract or purchase, hospital, nursing home and other appropriate facilities and services including laboratory services for persons who are, or may be suffering from tuberculosis except as otherwise provided by this 1973 amendatory act.

Pursuant to that responsibility, the secretary shall have the following powers and duties:

(1) To develop and enter into such agreements, contracts or purchase arrangements with counties and public and private agencies or institutions to provide for hospitalization, nursing home or other appropriate facilities and services for persons who are or may be suffering from tuberculosis, or to provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs;

(2) To appoint a medical director for each tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090;

(3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of ~~((the))~~ tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090.

Sec. 3. Section 17, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.030 are each amended to read as follows:

The medical director of any tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 and this 1973 amendatory act shall be a qualified and licensed practitioner of medicine and shall have the following powers and duties:

(1) To provide for the administration of the hospital according to the rules and regulations adopted by the department;

(2) To adopt and publish such rules and regulations governing the administration of the hospital as are deemed necessary: PROVIDED, That such rules and regulations are not in conflict with those adopted by the department and have the written approval of the secretary.

Sec. 4. Section 18, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.040 are each amended to read as follows:

In order to maintain adequate tuberculosis hospital facilities and to provide for adequate hospitalization, nursing home and other appropriate facilities and services for the residents of the state of Washington who are or may be suffering from tuberculosis and to assure their proper care pursuant to this chapter, the standards set by the secretary pursuant to section 2 of this 1973 amendatory act and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090, the legislative authority of Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties shall ~~((7))~~ levy annually a tax in the sum equal to the amount which would be raised by a levy of one-sixteenth

mill against the actual value of the taxable property in the county. ((Upon collection such sum shall be paid to the state to be used for the cost of maintaining and operating tuberculosis hospital facilities operated pursuant to this chapter and RCW 70:32:040, 70:32:050, 70:32:060 and 70:32:090. All other sources of revenue in tuberculosis hospital facilities operated pursuant to this chapter and RCW 70:32:040, 70:32:050, 70:32:060 and 70:32:090 shall be collected by such tuberculosis hospital facilities:

There is hereby appropriated to the department such revenue as is collected resulting from the one-sixteenth mill levy provided for herein, and the collections made by the tuberculosis hospital facilities. Such appropriations to the department shall be used for the cost of maintaining and operating tuberculosis hospital facilities pursuant to this chapter and RCW 70:32:040, 70:32:050, 70:32:060 and 70:32:090: PROVIDED, That in the event that the revenues collected under this section exceed the cost of hospitalization, surplus revenues will be returned to the counties in proportion to the property taxes collected from those counties:)

If such counties desire to receive state services, they may elect to utilize funds collected pursuant to this section for the purpose of contracting with the state upon agreement by the state for the cost of providing tuberculosis hospitalization and/or outpatient treatment including laboratory services, or such funds may be retained by the county for operating its own services for the prevention and treatment of tuberculosis or any other community health purposes authorized by law. None of such counties shall be required to make any payments to the state or any other agency from these funds except upon the express consent of the county legislative authority: PROVIDED, That if the counties do not comply with the promulgated standards of the department the secretary shall take action to provide such required services and to charge the affected county directly for the provision of these services by the state.

Sec. 5. Section 8, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.040 are each amended to read as follows:

The district commission shall appoint and determine the compensation of a hospital superintendent for the district who shall serve at the pleasure of the commission and be a physician duly licensed in this state and qualified in public health and/or specializing in the care of tuberculosis. Such superintendent shall act as administrative officer for the commission, shall be the tuberculosis control officer for the district, and shall be empowered to employ such technical and other personnel as approved by such commission.

V. Said superintendent shall have the same powers, duties and responsibilities, throughout the district, as local health officers for the control, prevention, casefinding and treatment of

persons who have or may have tuberculosis.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973, with the exception of one item each in Section 2 and Section 5 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to two items Substitute House Bill No. 340 entitled:

Veto
Message

"AN ACT Relating to tuberculosis hospitalization and control."

This bill generally revises the laws relating to tuberculosis treatment under the jurisdiction of the department of social and health services. In revising the bill as it passed through the legislative process, the effective date carried in section two was inadvertently allowed to remain in the bill. As originally drafted the bill would have become effective January 1, 1974, but that provision was deleted. However, the similar language in section two was not equally deleted. In order to maintain consistency, I have determined to veto this item in section two.

Section five of the bill, which does not relate to the department of social and health services, amends existing law to give the superintendent of the tuberculosis hospital in the Eastern Washington Tuberculosis Hospital District the same powers and duties as a local health officer. Currently, local health officers are responsible for carrying out programs to control tuberculosis and to identify and provide treatment for those persons determined to have tuberculosis. It is clear that such programs can best be carried out by those who are closest to the problem. To provide for overlapping or concurrent jurisdiction in this key area of disease control will add nothing to the continuing efforts to fight tuberculosis.

Accordingly, for the reasons set out above, I have determined to veto that item in section two and that item consisting of section five in Substitute House Bill No. 340. With those exceptions, the remainder of the bill is approved."