

Chapter 26. State Benevolent Institutions

ARTICLE 5A. TUBERCULOSIS CONTROL

- § 2636. [1] Report of admissions; registration by department of health.
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- 2636. [6] Employees who contract tuberculosis.

§ 2636. [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 persons 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 except by order of the department of health, the patient, or by order of the judge of a court of record.

§ 2636. [2] **Forms for Committing Patients; Other Records.**—The board of control shall have authority, in consultation with the superintendents of the tuberculosis institutions, 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.

§ 2636. [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. No patient shall be required to pay for such maintenance and treatment, but the institutions are authorized to receive any voluntary payments therefor.

§ 2636. [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.

§ 2636. [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 institutions. 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.

§ 2636. [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.

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N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

November 28, 1967

Honorable Robert D. Bailey
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed are two copies of a Reference Page and two copies of Index Pages for The Public Health Laws of West Virginia and a Manual of Regulations of the West Virginia Board of Health. These Laws and Regulations are filed in the Odd Size File as item number 3.

Sincerely yours,

A handwritten signature in cursive script that reads "N. H. Dyer".

N. H. Dyer, M. D., M. P. H.
State Director of Health

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 11/28/67