

## LEGISLATIVE BILL 1492

Approved by the Governor March 28, 1972

Introduced by William P. Swanson, 27th District, upon recommendation of the Governor

AN ACT to amend sections 71-3608, 71-3610, 71-3611, and 71-3612, Reissue Revised Statutes of Nebraska, 1943, relating to communicable tuberculosis; to provide treatment for persons having communicable tuberculosis as prescribed; to provide for costs of care and transportation, and payment of same as prescribed; to provide an operative date; to repeal the original sections, and also section 83-361, Reissue Revised Statutes of Nebraska, 1943, and section 83-362, Revised Statutes Supplement, 1969; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-3608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3608. No person having communicable tuberculosis who in his home and or elsewhere obeys the rules and regulations and orders of the State--Board Department of Health for the control of tuberculosis or who voluntarily accepts hospitalization or treatment in a health-care facility mentioned in subdivision (1) of section 71-2017 which is licensed and approved for such use by the department and obeys the rules and regulations and orders of the State-Board-of--Health department for the control of communicable tuberculosis shall be committed under the provisions of sections 71-3601 to 71-3612.

Sec. 2. That section 71-3610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3610. The expenses incurred in the care, maintenance, and treatment of patients committed under the provisions of sections 71-3601 to 71-3612 shall be paid from state funds appropriated ~~for--the--maintenance and--operation--of--the--Nebraska--Hospital--for--the Tuberculous; such funds--also--being--available--for--the care,--maintenance,--and--treatment--of--recalcitrant tuberculous--patients--in--other--facilities--when--so authorized--by--the--superintendent--of--the--Nebraska--Hospital~~

for the Tuberculous: to the Department of Health for the purpose of entering into agreements with qualified health-care facilities so as to provide for the care, maintenance, and treatment of such patients and those other persons having communicable tuberculosis who voluntarily agree to and accept care and treatment.

Sec. 3. The Department of Health shall have and may exercise the following powers and duties in its administration of sections 71-3601 to 71-3612:

(1) To contract with qualified hospitals or other health-care facilities mentioned in subdivision (1) of section 71-2017 which are licensed and approved for such use by the Department of Health for the purpose of caring for, maintaining and treating patients committed under the provisions of sections 71-3601 to 71-3612, and for those other persons having communicable tuberculosis who voluntarily agree to and accept care and treatment in such a health-care facility on either an in-patient or an out-patient basis;

(2) To inspect and supervise to the extent necessary the facilities, operations and administration of those health-care facilities under contract to or otherwise receiving support from the department for the purpose of providing care, treatment or maintenance for persons infected with communicable tuberculosis;

(3) To provide visiting nursing services to those persons having communicable tuberculosis who are being treated on an out-patient basis;

(4) To adopt rules and regulations, and issue orders based thereon, relative to reports and statistics on tuberculosis from counties and the care, treatment, and maintenance of persons having tuberculosis, especially of those in the communicable or contagious stage thereof; and

(5) To set standards by rule and regulation for the types and level of medical care and treatment to be used by those health-care facilities caring for tuberculous persons and to set standards by rule and regulation governing contracts mentioned in subdivision (1) of this section dealing with such matters as program standards, maximum and minimum costs and rates, administrative procedures to be followed and reports to be made, and arbitration by third parties, except that no such contract or contracts shall be longer than one year in duration or involve amounts in excess of the funds appropriated therefor.

Sec. 4. That section 71-3611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3611. Any person committed under the provisions of sections 71-3601 to 71-3612 who leaves the health-care facility without having been discharged by the attending physician or by court order shall be taken into custody and returned to the facility by the sheriff of any county where such person is found, upon an affidavit being filed with the sheriff by the administrator of the facility or duly authorized officer in charge thereof acting as the duly appointed agent and representative of the Director of Health in the matter. The costs of such transportation shall be paid from county general funds of the patient's county of residence. If the person is a nonresident of Nebraska or has no permanent residence, the costs shall be paid from county general funds of the county of commitment.

Sec. 5. That section 71-3612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3612. Each health officer is hereby directed to use all available means to detect persons with communicable tuberculosis in his jurisdiction. If he has reasonable grounds based upon medical science for believing that a person has communicable tuberculosis, and if this person refuses to submit to the examination necessary for determining the existence of communicable tuberculosis, the health officer shall issue an order to the person to obtain the appropriate examination. Thereafter, if the person does not comply within seven days, the health officer may institute commitment procedures as described in sections 71-3601 to 71-3604, the purpose of commitment under this section being to determine whether or not the person has communicable tuberculosis.

The costs of voluntary examination made upon health officer request or of examination made upon health officer order shall be paid from county general funds of the person's county of residence. If the person is a nonresident or has no permanent residence, the costs shall be paid from the county general funds of the county of commitment. The costs of examination and maintenance while under commitment shall be paid from state funds appropriated for the maintenance--and--operation--of--the Nebraska-Hospital-for-the-Tuberculous to the Department of Health therefor. The costs of transportation under the commitment procedure for examination shall be paid from county general funds of the county of residence; if



the person is not a resident of Nebraska or has no permanent residence, they shall be paid from the county general funds of the county of commitment.

Sec. 6. (1) When any person who has communicable or contagious tuberculosis and who has relatives, friends or a private or public agency or organization willing to undertake the obligation to support him or to aid in supporting him in any other state or country, the Department of Health may furnish him with the cost of transportation to such other state or country if it finds that the interest of the State of Nebraska and the welfare of such person will be promoted thereby. The expense of such transportation shall be paid by the department out of funds appropriated to it for the purpose of carrying out the provisions of sections 71-3601 to 71-3612.

(2) No funds appropriated to the Department of Health for the purpose of carrying out the provisions of sections 71-3601 to 71-3612 shall be used for meeting the cost of the care, maintenance, or treatment of any person who has communicable or contagious tuberculosis in a health-care facility on either an in-patient or an out-patient basis, or otherwise, or for transportation to another state or country, to the extent that such cost is covered by an insurer or other third party payer or any other entity under obligation to such person by contract, policy, certificate or by any other means whatsoever. The department in no case shall expend any such funds to the extent that any such person is able to bear the cost of such care, maintenance, treatment or transportation. The department shall determine the ability of a person to pay by consideration of the following factors: (a) The person's age, (b) the number of his dependents and their ages and physical condition, (c) the person's length of care, maintenance or treatment, (d) his liabilities, and (e) his assets. Pursuant to the provisions of Chapter 84, article 9, the department shall adopt appropriate rules and regulations for making the determinations required by this subsection.

Sec. 7. This act shall become operative on July 1, 1972.

Sec. 8. That original sections 71-3608, 71-3610, 71-3611, and 71-3612, Reissue Revised Statutes of Nebraska, 1943, and also section 83-361, Reissue Revised Statutes of Nebraska, 1943, and section 83-362, Revised Statutes Supplement, 1969, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after

its passage and approval, according to law.