

# TB Laws



# **G.S. 90-85.34A**

## **Public Health Pharmacy Practice**

- Medication must be listed in DHHS Formulary & approved by the Board
- Must have pharmacy permit (G.S. 90-85.21)
- Written procedures exist
- Nurse must have had approved training
- Pharmacy oversight at least weekly

# **10A NCAC 41A .0205**

## **TST Required**

- Suspects, contacts, cases
- DOC inmates & DOC employees w/ direct inmate contact
- LTC residents and employees
- HIV positive individuals
- Adult Daycare employees who take care of HIV/Aids patients

# **10A NCAC 41A .0103**

## **Reporting requirements**

- Suspected communicable diseases (includes all forms of tuberculosis) within 24 hours
  - Providers, hospitals, other healthcare agencies are required to report to the health department
  - Health department is required to report to the state

## **G.S. 130A-144**

# **Tuberculosis Disease Treatment**

- All persons known or reasonably suspected of having a communicable disease must comply with control measures and submit to examination and testing
- “the local health department shall provide, at no cost to the patient, the examination and treatment for tuberculosis disease..”

# **G.S. 90-21.5**

## **Minor Consent**

- Minors may consent to prevention, diagnosis, and treatment of any disease reportable under G.S. 130A-135
- Parental consent is not required for TST of contacts, x-ray of positive children, or treatment of TB infection or disease

# **G.S. 130A-145**

## **Isolation and Quarantine**

- We recommend use of a voluntary TB Treatment Agreement, however,
- Issuance of an Isolation and Quarantine Order may be required to protect the public's health in the event the patient refuses to comply with requests to curtail public interaction

# **GS 130A – 143**

## **Maintaining Confidentiality**

- Worksite or school investigations
- Persons in other agencies



# **10A NCAC 41A .0103(a)**

## **Investigation**

- “immediately investigate the circumstances surrounding the occurrence of disease or condition...”

# **15A-534.5**

## **Detention to protect the public health**

- Used to keep infectious, non compliant persons off the street and on treatment

# **G.S. 130A-25**

## **Health Law Violator**

- Misdemeanor, imprisonment for up to 2 years (males in McCain, females in NC Correctional Center for Women)
  - Criteria for release is also specified in this general statute

# **Incarceration Procedure**

- Should be considered a last resort
- Health Director must consult with county attorney, Judge, District Attorney, and Public Defender regarding the legal steps
- To assure immediate sentencing PD must be assigned to HLV as soon as arrest warrant is issued
- County is charged per diem if not sentenced

## **15A-534.S**

### **Detention to protect public health**

- Clear & convincing evidence of threat to public's health
- Pretrial confinement
- Must have recommendation from state or local health director

# **Arrest Procedure**

- Health Director and/or county attorney request magistrate to swear out arrest warrant
- Sheriff's department arrests HLV
- HLV is sentenced “ for duration of TB disease treatment or up to 2 years”
- HD or sheriff notifies DOC of HLV
- HD sends all medical information & x-ray

# **Release Procedure**

- One month prior to expected completion date prison MD will initiate letter with recommendations for early release to NC TB Control, Medical director DOC
- State TB MD writes (and signs) letter
- State Health Director reviews & signs letter
- Letter to LHD who prepares a release letter for the judge - hand carry to district court
- Same Judge must issue release decree