Chapter 437

1965 REPLACEMENT PART

Tuberculosis

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GENERAL PROVISIONS FOR TUBERCULOSIS CONTROL

437.010 Reporting known cases; records maintained. Any representative of a religious denomination, householder, nurse, parent, guardian or other person attending to, or in any way having knowledge of the existence of a case of pulmonary tuberculosis, including the person afflicted therewith, must immediately report the same to the State Board of Health. The names and addresses of all persons afflicted with pulmonary tuberculosis shall be recorded in the office of the State Board of Health.

437.020 Removal of diseased person from residence prohibited; reporting violations. (1) No person suffering from pulmonary tuberculosis shall change his residence or be removed therefrom until the State Board of Health has been notified so that the vacated residence may be fumigated.

(2) Any person having knowledge of a change of residence of any person afflicted with pulmonary tuberculosis shall report the same to the State Board of Health.

437.030 Investigation and control of reported cases. The State Board of Health shall, upon receiving a report that any person is suffering from tuberculosis, make such investigation of the case as is necessary to determine whether or not the person reported is suffering from communicable tuberculosis. Upon finding that any person is suffering from communicable tuberculosis, the State Board of Health shall exercise such control over the person so afflicted and his contacts with other persons as may be necessary for the protection of the public health, pursuant to its rules and regulations. In exercising such control over any afflicted person the State Board of Health may make such rules or orders governing such person's conduct as are necessary to prevent the spread of the disease.

437.040 Disinfecting exposed premises and materials. (1) Any person owning a house rented to or occupied by a person afflicted by tuberculosis shall fumigate or disinfect it as soon as the afflicted person leaves the house.

(2) No furniture, bedding or other materials used by a person afflicted with pulmonary tuberculosis shall be sold, delivered or used by any other person until such furniture, bedding or material has been fumigated. Fumigation or disinfection shall be in accordance with rules prescribed by the State Board of Health.

437.050 to 437.100 [Reserved for expansion]

STATE TUBERCULOSIS HOSPITAL

437.110 Oregon State Tuberculosis Hospital. (1) The Oregon State Tuberculosis Hospital in Salem, Marion County, shall be used for the treatment of tubercular patients committed to its care and custody.

(2) The State Board of Higher Education shall have power to operate and control the Oregon State Tuberculosis Hospital the same as it has power to operate and control other institutions under its jurisdiction.

[Amended by 1959 c.588 §20; 1963 c.632 §1]

437.120 [Repealed by 1959 c.588 §27]

437.130 [Repealed by 1959 c.97 §3]

437.135 [1957 c.695 §§1, 2, 3, 4; repealed by 1959 c.51 §1]

437.140 Duties of State Board of Higher Education to operate hospital. The State Board of Higher Education shall:

(1) Appoint a well-qualified individual as administrative head, prescribe his duties and fix his salary.

(2) Subject to the State Civil Service Law, appoint employes for the hospital.

(3) See to it that the hospital is maintained as similar institutions are maintained.

(4) Whenever called upon by the State Board of Health, render such information as may be of value to the public concerning the general treatment of tuberculosis, or the work of the hospital.

(5) Cooperate with the State Board of Health and other public bodies and officials in the dissemination of knowledge or information relative to tuberculosis and its treatment.

(6) Discharge, from time to time, such patients as, in the judgment of the State Board of Higher Education, or its designated representative, are properly fit to be discharged.

(7) Cooperate with the Oregon State Board of Control in providing information necessary for the administration of ORS 179.610 to 179.770.

[Amended by 1959 c.588 §21; 1963 c.632 §2; 1965 c.14 §43]

437.150 General admission requirements. Subject to the conditions in ORS 437.160 and 437.170, any citizen of this state suffering from tuberculosis who is without

means with which to secure proper care and treatment elsewhere may gain admission to the Oregon State Tuberculosis Hospital upon:

(1) Presenting to the State Board of Higher Education, or the designated representative, a certificate, from the county judge of the county of which the applicant is a resident, stating that the applicant has been a resident of the state for the period of time required by ORS 437.160, and is suffering from tuberculosis.

(2) Complying with the rules and regulations of the institution as prescribed by the State Board of Health and the State Board of Higher Education.

[Amended by 1959 c.588 §22; 1963 c.632 §3]

437.160 Residence requirements. No person shall be admitted to the Oregon State Tuberculosis Hospital unless he has been a resident of the state for at least one year immediately preceding his admission. However, if any family has established a bona fide residence in this state and some member of such family contracts or develops tuberculosis under such circumstances and conditions that the person so afflicted is exposing other members of the family, thereby constituting a menace to the public health, the person so afflicted, if otherwise entitled thereto, may be admitted to the institution upon obtaining a certificate from the State Health Officer, showing that the conditions mentioned exist.

[Amended by 1959 c.588 §23]

437.170 Agreements with federal agencies for treatment of veterans. If by any Act of Congress or ruling or regulation of the Veterans' Administration, or other similar department, provision is made for defraying or contributing to the payment of the expenses of the care or treatment of any person who has been in the military or naval service of the United States, that person may be admitted to the Oregon State Tuberculosis Hospital under such provisions and regulations as may be agreed upon by the State Board of Higher Education and the Veterans' Administration or other similar department.

[Amended by 1959 c.588 §24; 1963 c.632 §4]

437.180 to 437.200 [Reserved for expansion]

437.210 Expenses to be paid by home county. The county in which a person resides at the time of admission to the Oregon State Tuberculosis Hospital shall pay:

(1) The traveling and other necessary expenses incurred in enabling such person certified for admission to the institution to reach it or return therefrom.

(2) The expense incurred in the purchase of necessary personal effects for such patient while at the institution.

(3) Burial expenses in case of death.

[Amended by 1959 c.588 §25]

437.220 [Repealed by 1959 c.652 §24]

437.230 [Repealed by 1959 c.652 §24]

437.240 [Repealed by 1959 c.652 §24]

437.250 [Repealed by 1959 c.652 §24]

437.260 [Repealed by 1959 c.652 §24]

437.270 [Repealed by 1959 c.652 §24]

437.280 [Repealed by 1959 c.652 §24]

437.290 [Amended by 1955 c.702 §1; repealed by 1959 c.652 §24]

437.300 [Amended by 1955 c.702 §2; repealed by 1959 c.652 §24]

437.310 [Repealed by 1959 c.652 §24]

437.320 [Amended by 1955 c.702 §3; repealed by 1959 c.652 §24]

437.330 [Repealed by 1959 c.652 §24]

437.340 [Repealed by 1959 c.652 §24]

437.350 [Repealed by 1959 c.652 §24]

437.360 [1953 c.371 §1; repealed by 1959 c.588 §27]

437.370 to 437.400 [Reserved for expansion]

COUNTY AND DISTRICT TUBERCULOSIS HOSPITALS

437.410 Proceedings to establish hospital; election; powers of county commissioners; employment and duties of visiting nurses. The board of county commissioners of any county may by a majority vote establish a county hospital for the care and treatment of persons suffering from tuberculosis. The board of commissioners may submit the question of establishing such a hospital to the voters of the county at any general election at which public officers are elected. The board shall fix the sum of money deemed necessary for the establishment of said hospital. The form of the proposition submitted shall read as follows: "Shall the County of —— appropriate the sum of $—— for the establishment of a tuberculosis hospital?" The notices of the general election shall state that the proposition will be voted upon and in the form set forth. Provision for taking such vote and for canvassing and returning of the result shall be made by the duly constituted election authorities. If a majority of

the voters voting on such proposition votes in favor thereof, then such hospital shall be established under this section and the sum of money needed in said proposition shall be deemed appropriated. The board of county commissioners shall then proceed forthwith to exercise the powers and authority conferred upon it in this section. When the board of county commissioners of any county has voted to establish such hospital, or when a referendum on the proposition of establishing such a hospital in the county as authorized in this section has been carried, the board of county commissioners may:

(1) Purchase or lease real property therefor, or acquire such real property and easements therein, by condemnation proceedings, in the manner prescribed by law to regulate the ascertainment or payment of compensation for property condemned or taken for public use.

(2) Erect all necessary buildings and alter any buildings on the property when acquired for the use of said hospital. However, the plans for such erection or alteration shall first be approved by the State Board of Health.

(3) Cause to be assessed, levied and collected such sums of money as it deems necessary for suitable lands, buildings and improvements for said hospital, and for the maintenance thereof, and for all other necessary expenditures thereof and borrow money for the erection of such hospital and for the purchase of a site thereof on the credit of the county, and issue county obligations therefor in such manner as it may do for other county purposes.

(4) Employ visiting nurses whose duties shall be:

(a) To discover and investigate any tuberculosis cases existing in such county.

(b) To give instruction to tuberculosis patients and others in such county relative to hygienic or sanitary measures to be observed in preventing the spread of such disease.

(c) To act as visiting nurses throughout the county and to perform such other duties as nurses and hygienic experts as may be assigned to them by the county board in accordance with the rules and regulations of the State Board of Health.

(d) To report communicable diseases of which they have any knowledge to the county authorities and to the State Board of Health.

(e) To perform such other duties as may be designated by such board of county commissioners. However, in counties where there are no county tuberculosis hospitals, the board of county commissioners may also employ such nurses. Visiting nurses shall at the end of each month make a report in writing to the county clerk, which report shall show the visits made during the month then ending and the requests made to them for services, and such other information as the county board may from time to time require.

(5) Appoint a board of managers for said hospital as provided in ORS 437.420.

(6) Accept and hold in trust for the county any grant or devise of land, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, or both, for the benefit of said hospitals, and apply the same in accordance with the terms of the gift.

437.420 Board of managers; appointment; qualifications; term; vacancy; compensation; removal. (1) When the board of county commissioners has determined to establish a hospital for the care and treatment of persons suffering from tuberculosis, and has acquired a site therefor, and has awarded contracts for the necessary buildings and improvements thereon, it shall appoint three citizens of the county, of whom at least one shall be a practicing physician, who shall constitute a board of managers of said hospital.

(2) The term of office of each member of said board shall be three years, and the term of one of such managers shall expire annually. The first appointment shall be made for the respective terms of three, two and one years. Appointments of successors shall be for the full term of three years, except that appointment of persons to fill vacancies by death, resignation or other cause shall be made for the unexpired term.

(3) Failure of any manager to attend three consecutive meetings of the board shall cause a vacancy in his office, unless said absence is excused by formal action of the board of managers.

(4) The managers shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be audited and paid in the same manner as the other expenses of the hospital by the board of commissioners.

(5) Any manager may at any time be

removed from office by the board of commissioners of the county, for cause, after an opportunity to be heard.

437.430 Powers and duties of board. The board of managers shall:

(1) Elect from among its members a president and vice president.

(2) Fix the salaries of the superintendent and all other officers and employes within the limits of the appropriation made therefor by the county commissioners and such salaries shall be compensation in full for all services rendered.

(3) Have the general superintendence, management and control of said hospital, of the grounds, buildings, officers and employes thereof and of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof.

(4) Maintain an effective inspection of said hospital and keep itself informed of the affairs and management thereof, meet at the hospital at least once in every month and at such other times as may be prescribed by the bylaws, and hold its annual meeting at least three weeks prior to the meeting of the board of county commissioners at which appropriations for the ensuing year are to be considered.

(5) Keep in a book provided for that purpose a proper record of its proceedings, which shall be open at all times to the inspection of its members, to the county commissioners and to duly authorized representatives of the State Board of Health.

(6) Certify all bills and accounts, including salaries and wages, and transmit them to the county commissioners, who shall provide for their payment in the same manner as other charges against the county are paid.

(7) Make the county commissioners annually, at such time as said commissioners shall direct, a detailed report of the operations of the hospital during the year, the number of patients received, the methods and results of their treatment, together with suitable recommendations and such other matters as may be required of them, and full and detailed estimates of the appropriations required during the ensuing year for all purposes, including maintenance, the erection of buildings, repairs, renewals, extensions, improvements, betterments or other necessary purposes.

(8) Notwithstanding any other general or special law, erect all additional buildings found necessary after the hospital has been placed in operation, and make all necessary improvements and repairs within the limits of the appropriations made therefor by the county commissioners. However, the plans for such additional buildings, improvements or repairs shall first be approved by the State Board of Health.

(9) Make such rules and regulations as may seem to them necessary for carrying out the purposes of such hospital subject to the approval of the State Board of Health.

437.440 Superintendent; appointment; qualifications; bond. (1) The board of managers shall appoint a superintendent of the hospital who shall also be the treasurer and secretary of the board and shall hold office at the pleasure of said board. The superintendent shall not be a member of the board of managers and shall be a graduate of an incorporated medical college, with an experience of at least three years in actual practice of his profession.

(2) The superintendent shall, before entering upon the discharge of his duties, give a bond in such sum as the board of managers may determine to secure the faithful performance of his duties.

437.450 Superintendent's powers and duties. The superintendent shall be the chief executive officer of the hospital and, subject to the bylaws, rules and regulations thereof and to the power of the board of managers, shall:

(1) Subject to the approval of the board of managers, equip the hospital with all necessary furniture, appliances, fixtures and other needed facilities for the care and treatment of patients and for the use of officers and employes thereof, and in counties where there is no purchasing agent purchase all necessary supplies.

(2) Have general supervision and control of records, accounts and buildings of the hospital and all internal affairs, and maintain discipline therein, and enforce compliance with, and obedience to all rules, bylaws and regulations adopted by the board of managers for the government, discipline and management of said hospital and the employes and inmates thereof.

(3) With the consent of the board of managers, appoint such resident officers, and such employes as he may think proper and necessary for the efficient performance of the business of the hospital, and prescribe

their duties and may discharge any such officer or employe at his discretion.

(4) Keep or cause to be kept proper accounts and records of the business and operations of the hospital in books and on records provided for that purpose, and see that such accounts and records are correctly made up for the annual report to the board of county commissioners as required by subsection (7) of ORS 437.430, and present the same to the board of managers, who shall incorporate them in their report to said commissioners.

(5) Receive into the hospital in the order of application any resident found to be suffering from tuberculosis in any form, keep or cause to be kept proper accounts and records of the admission of all patients, their names, ages, sex, colors, marital condition, residences, occupations and last places of employment, reporting same to the State Board of Health, according to the rules and regulations of said board.

(6) Cause a careful examination to be made of the physical condition of all persons admitted to the hospital and provide for the treatment of each such patient according to his needs and cause a record to be kept of the condition of each patient when admitted, and from time to time thereafter.

(7) Discharge from said hospital any patient who wilfully or habitually violates the rules thereof or who is found not to have tuberculosis or who is found to have recovered therefrom or who for any other reason is no longer a suitable patient for treatment therein.

(8) Collect and receive all moneys due to the hospital, keep an accurate account of the same, report the same at the monthly meeting of the board of managers, and transmit the same to the treasurer of the county within 10 days after such meeting.

(9) Make further rules, regulations and orders as he may deem necessary, not inconsistent with law or with the rules, regulations and directions of the board of managers.

437.460 Admission regulations; discrimination and acceptance of private fees prohibited. (1) Any resident of the county in which the hospital is situated desiring treatment in such hospital, may apply in person to the superintendent or to any reputable physician for examination. Such physician, if he finds that said person is suffering from tuberculosis in any form, may apply to the superintendent of the hospital for his admission.

(2) Blank forms for such application shall be provided by the hospital, and shall be forwarded by the superintendent thereof gratuitously to any reputable physician in the county upon request. So far as practicable, application for admission to the hospital shall be made upon such forms.

(3) The superintendent of the hospital upon receipt of such application, if it appears therefrom that the patient is suffering from tuberculosis, and if there is a vacancy in the said hospital, shall notify the person named in such application to appear in person at the hospital. If upon personal examination of such patient, or of any person applying in person for admission, the superintendent is satisfied that such person is suffering from tuberculosis, he shall admit him to the hospital as a patient.

(4) All applications shall state whether, in the judgment of the physician, the person is able to pay in whole or in part for his care and treatment while at the hospital. Every application shall be filed and recorded in a book kept for that purpose in the order of its receipt.

(5) When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies therein, admission to said hospital shall be made in the order in which the names of applicants appear upon the application book to be kept as provided in subsection (4) of this section, in so far as such applicants are certified to by the superintendent to be suffering from tuberculosis.

(6) No discrimination shall be made in the accommodation, care or treatment of any patient because of the fact that the patient or his relatives contribute to the cost of his maintenance in whole or in part, and no patient shall be permitted to pay for his maintenance in such hospital a greater sum than the average per capita cost of maintenance therein, including a reasonable allowance for the interest on the cost of the hospital.

(7) No officer or employe of such hospital shall accept from any patient thereof any fee, payment or gratuity whatsoever for his services.

437.470 Payment for hospital expenses depends upon ability of patient or relatives. Whenever a patient has been admitted to said hospital from the county in which the

hospital is situated, the superintendent shall cause such inquiry to be made as he may deem necessary as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient, or said relatives, are able to pay for his care and treatment in whole or in part, an order shall be made directing such patient or said relatives to pay to the treasurer of such hospital for the support of such patient a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual per capita cost of maintenance. If the superintendent finds that such patient, or said relatives, are not able to pay, either in whole or in part, for his care and treatment in such hospital, said patient shall be admitted free of charge.

437.480 Admission of patients from other counties. Any resident of this state living outside of a county maintaining a tuberculosis hospital may apply for treatment, or any city, village or county may apply on behalf of its charges and the same may be provided for under a stipulated agreement by the party, municipality or county to pay a weekly sum designated by the board of managers of such hospital, but nonresidents of a county shall not be provided for to the exclusion of residents of said county.

437.490 Agencies having access and right of inspection. The resident officer of the hospital shall admit the managers into every part of the hospital and the premises and give them access on demand to all books, papers, accounts and records pertaining to the hospital, and shall furnish copies, abstracts and reports whenever required by them. All hospitals established or maintained under ORS 437.410 to 437.550 shall be subject to inspection by any duly authorized representative of the State Board of Health.

437.500 Hospitals connected with poor farms; application of ORS 437.410 to 437.550 to future county tuberculosis hospitals. Whenever a hospital for the care and treatment of persons suffering from tuberculosis exists in connection with or on the grounds of a county almshouse, the county commissioners may appoint a board of managers for such hospital. Such hospital and its board of managers shall thereafter be subject to ORS 437.410 to 437.550 in like manner as if it had been originally established under those statutes. Any hospital for the care and treatment of tuberculosis established by any board of county commissioners shall be subject to ORS 437.410 to 437.550. No hospital authorized under ORS 437.410 to 437.550 shall be located on the grounds of an almshouse.

437.510 Procedure to establish district tuberculosis hospital. The county boards of commissioners of any contiguous counties, not to exceed five, may form themselves into a joint board for the purpose of establishing and maintaining a district hospital for the care and treatment of persons suffering from tuberculosis. The county board of each county desiring to unite for such purposes may appoint three persons, and all persons so appointed shall constitute a joint committee to obtain a site and erect the necessary buildings thereon. The powers and duties of such joint committee shall terminate when the buildings are erected and ready for occupancy. In the selection and acquirement of such site the joint board shall have the same powers as the county board of commissioners. They may receive and hold in trust for the use and benefit of such institution any grant or devise of land and any donation or bequest of money or other personal property that may be made for the establishment and support thereof.

437.520 Approval of site and plans by State Board of Health. Before such joint committee, proposing to erect such an institution, shall proceed to the construction of such an institution, it shall cause complete plans, drawings and specifications for the buildings of such institution to be prepared and submitted to the State Board of Health for its approval. No buildings shall be constructed until after the site has been approved by the State Board of Health. After the plans, drawings and specifications have been approved by the State Board of Health, the joint committee may proceed with the construction of the buildings for such institution.

437.530 Board of managers for district hospitals; appointment; term; vacancy; removal; compensation; duties. (1) At the time or before the completion of such district hospital the joint boards shall elect a board of managers to consist of one member of each county represented. The terms of such managers shall be as follows: One for one year and one for two years, and where

three counties are represented, an additional one for three years, and an additional one for four years if four counties are represented, and an additional one for five years if five counties are represented.

(2) Annually thereafter the board of county commissioners of any county in which the term of manager expires shall appoint such manager for a term of as many years as there are counties represented, and until his successors are elected and qualified.

(3) Any vacancy shall be filled by an election in like manner for the unexpired term of the original appointment. The board of county commissioners of any county may remove any manager for good and sufficient cause.

(4) The managers shall serve without compensation except that they shall receive their actual expenses incurred in the performance of their duties.

(5) The managers shall have the same powers and duties as those provided for the board of managers of a county hospital.

(6) The board of managers shall meet at the tuberculosis hospital monthly and at such other times as they may deem necessary. They shall annually file with the joint committee a report of their proceedings, with reference to such district hospital, and a statement of all receipts and expenditures during the year, and at such times shall certify to the county boards of the different counties the amount necessary to maintain and improve the hospital for the ensuing year.

437.540 Apportionment and accounting of costs; taxes; hospital fund; duties and bond of treasurer. (1) The first cost of the tuberculosis hospital, including the cost of equipment and the cost of improvements and additions thereto, shall be paid by the counties comprising the district in proportion to the taxable property of each county as shown by their respective tax rolls.

(2) The superintendent shall prepare a quarterly statement which shall be approved by the board of managers, showing the daily cost for the current expense of maintaining such hospital, including the cost of the ordinary repairs.

(3) Each county in the district shall pay its share of such cost as determined by the number of days the total number of patients from such county have spent in the hospital during the quarter, but the sum paid by the patients from such county for their treatment therein shall be deducted from this amount.

(4) The county boards of commissioners of counties jointly maintaining a district hospital for tuberculosis shall make annual assessments of taxes sufficient to support and defray all necessary expenses of such hospital.

(5) All taxes levied by the county board of commissioners of any county under this section shall, when collected, be paid over to the treasurer of the board of managers of the district hospital by the treasurers of the joint counties. The treasurer shall receipt therefor and shall create a fund to be known as the tuberculosis hospital fund. Thereupon said funds may be disbursed by said board of managers for the use of said district tuberculosis hospital and accounted for as provided in ORS 437.530 and this section.

(6) The treasurer of the board of managers shall give a bond for the faithful performance of his duties in such sum as may be fixed by the managers. The expenses of such bond are to be paid out of the fund for the maintenance of the hospital. The bond of such treasurer shall be filed with the county clerk of the county in which such institution is located.

437.550 Admission of patients and payment for services in district hospitals. ORS 437.470 to 437.490, in so far as they relate to applications for admission, medical examinations and pay patients and as subject to rules and regulations of the State Board of Health, shall be applicable in all cases where joint tuberculosis hospitals are erected and maintained.

437.560 to 437.980 [Reserved for expansion]

PENALTIES

437.990 Penalties. Violation of ORS 437.010, 437.020, subsection (2) of 437.040, ORS 437.140 or 437.410 to 437.550 is punishable, upon conviction, as provided in ORS 431.990.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 15, 1965.

Sam R. Haley
Legislative Counsel

CHAPTERS 438 AND 439

[Reserved for expansion]