

PROCEDURE FOR INITIATING COURT ORDERED MANAGEMENT OF PERSONS WITH
COMMUNICABLE DISEASES

Communicable Disease Quarantine in Texas, September, 1993

*The Communicable Disease Prevention and Control Act, Chapter 81, Subchapter B,
Texas Health and Safety Code*

When a patient with Tuberculosis represents a public health threat due to refusal to comply with the treatment and control recommendations of the local health authority, initiation of court ordered management (quarantine) may be addressed. Documentation of the patient's knowledge of treatment expectations (signed Warning Letter, Attachment #1) and refusal to comply are generally necessary to successfully proceed with quarantine. The warning letter is expected to be part of the treatment plan and given to the patient at the time treatment is initiated. Similar commitment-type statutes also exist for persons with mental illness and substance abuse. (At times it may be appropriate to consider them initially if they are the root problem.)

- 1) Quarantine proceedings may be initiated when a signed warning letter and documented patient noncompliance with medical treatment are available.
- 2) THE HEALTH AUTHORITY OR THEIR ATTORNEY MUST PREPARE AN APPLICATION FOR ORDER FOR EXTENDED MANAGEMENT OF A PERSON WITH COMMUNICABLE DISEASE:
 - a. Application must contain
 - i. Person's name and address
 - ii. Person's county of residence
 - iii. Statement that the person is infected with a communicable disease (Tuberculosis)
 - iv. Statement that the disease presents a threat to public health
 - v. Statement that the person has not complied with orders of health authority
 - vi. COPY OF AFFIDAVIT OF MEDICAL EVALUATION (*Attachment #2*)
 - vii. COPY OF HEALTH AUTHORITY'S ORDERS (*Attachment #3*)
- 3) The application must be SENT to the Office of General Counsel, TDH, who will obtain the following documents:
 - a. COMMISSIONER'S CONCURRENCE
 - b. COMMISSIONER'S DESIGNATION OF HEALTH FACILITY
- 4) Upon receipt of these documents, the ATTORNEY who represents the Local Health Authority will PREPARE:
 - a. PROPOSED ORDER OF PROTECTIVE CUSTODY (*Attachment #4*)
 - b. PROPOSED ORDER APPOINTING ATTORNEY, PROVIDING INSPECTION, NOTICE AND SETTING
- 5) The court will review the Proposed Order of Protective Custody, and if approved, the court will designate an officer to pick up the patient and transport the person to the facility designated by the Commissioner.
 - a. TCID Admissions Coordinator, 210-534-8857
 - b. UTHC-Tyler Admissions Coordinator, 903-877-7267
- 6) AN EXTENDED MANAGEMENT HEARING IS TO BE HELD WITHIN 14 DAYS
 - a. The patient has the right to counsel and a trial by jury, if requested.
 - b. The court must hear "competent medical testimony" when long-term commitment is requested. The health authority or treating physician must be prepared to testify. The physician must be prepared to educate the court on the dangers of drug resistance in general and the dangers to the public regarding this patient in particular.
- 7) If approved, a WRIT OF COMMITMENT is completed and the patient may be transported to the designated facility. The court has the latitude to choose short or long-term court ordered therapy (90 days to 1 year).