

18A:40-11 et al

LEGISLATIVE HISTORY CHECKLIST

HJSA 18A:40-11 et al (Tuberculosis--amendments to reflect modern concepts of treatment and prevention)

LAWS OF 1977 CHAPTER 63

Bill No. A1965

Sponsor(s) Deverin and others

Date Introduced May 24, 1976

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes \* Amendments during passage denoted by asterisks

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Following statements are attached if available:

Sponsor statement Yes \*No

Committee Statement: Assembly \*No

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Message on signing \*No

Following were printed:

Reports \*No

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ASSEMBLY, No. 1965

STATE OF NEW JERSEY

INTRODUCED MAY 24, 1976

By Assemblymen DEVERIN, GREGORIO, BORNHEIMER, KARCHER, OTLOWSKI, SNEDEKER, DiFRANCESCO, WOODSON, HAMILTON and PERKINS

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the treatment and prevention of tuberculosis and revising and repealing sundry sections of the law in connection therewith.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. N. J. S. 18A:40-11 is amended to read as follows:

2 18A:40-11. Any pupil found to have *communicable* tuberculosis  
3 **[in an active or communicable stage]** shall be excluded from school  
4 and a report of each such case shall be filed by the school medical  
5 inspector with the health officer **[or the secretary of the board of**  
6 **health]** of the municipality in which the pupil resides. Readmission  
7 to school may be granted when proof satisfactory to the school  
8 medical inspector is furnished to indicate that the pupil is free  
9 from communicable tuberculosis**[, is physically competent to en-**  
10 **gage in school activities, and is not a menace to the health of other**  
11 **pupils]**.

1 2. N. J. S. 18A:40-16 is amended to read as follows:

2 18A:40-16. The board of education of every school district shall  
3 periodically determine or cause to be determined the presence or  
4 absence of **[active or communicable]** tuberculosis *infection* in any  
5 or all pupils in public schools, and, with respect to frequency,  
6 procedure, and selection of pupils, shall comply with the rules of  
7 the State board.

1 3. N. J. S. 18A:40-17 is amended to read as follows:

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

2 18A:40-17. The board may provide at its expense the equipment,  
 3 materials, and services necessary to make such determination, or  
 4 it may contract to use for that purpose, with or without financial  
 5 reimbursement, the equipment, materials, and services available  
 6 through a [sanatorium or] hospital [approved by the State Depart-  
 7 ment of Institutions and Agencies] or [through a] public health  
 8 agency approved by the State Department of Health.

1 4. N. J. S. 18A:40-18 is amended to read as follows:

2 18A:40-18. Any pupil failing to comply with the rules of the  
 3 board of education relating to the determination of the presence  
 4 of tuberculosis or any order issued by a school officer pursuant  
 5 to such rules [shall] *may* be excluded from school.

1 5. N. J. S. 18A:40-19 is amended to read as follows:

2 18A:40-19. All records and reports of tuberculosis [case-finding  
 3 procedures] *testing* conducted by or under the auspices of a board  
 4 of education shall be the property of the board, and shall be filed  
 5 with the medical inspector as confidential information except that  
 6 such records and reports shall be open for inspection by officers  
 7 of the State Department of Health and of the local board of health,  
 8 of the municipality in which the pupil resides and of the munic-  
 9 ipality in which the school is located.

1 6. R. S. 26:4-60 is amended to read as follows:

2 26:4-60. The local board [or its representative] shall cause all  
 3 reports of cases of tuberculosis, and the result of any examination  
 4 showing the presence of the bacilli of tuberculosis [made in ac-  
 5 cordance with section 26:4-58 of this Title,] to be recorded in a  
 6 register of which it shall be the custodian.

7 Such register shall not be open to inspection by any person  
 8 other than the State department and the local board [and to any  
 9 duly constituted health society recognized by the State department  
 10 and engaged in the relief and prevention of tuberculosis]. The  
 11 local board shall not permit any such report or record to be divulged  
 12 so as to disclose the identity of the person to whom it relates,  
 13 except as may be necessary to carry into effect the provisions of  
 14 this article.

1 7. R. S. 26:4-69 is amended to read as follows:

2 26:4-69. The State department shall expend such sums as shall  
 3 be annually appropriated [therefor,] for [educational and practical  
 4 purposes in] the study, treatment and prevention of tuberculosis[,  
 5 by:

6 a. The publication and distribution of literature regarding and  
 7 relating to tuberculosis;

8 b. The creation and maintenance of a State tuberculosis exhibit  
 9 which shall be at the disposal of all communities applying for its  
 10 use locally, subject to such regulations as the department shall  
 11 adopt; and

12 c. The maintenance of special tuberculosis inspectors whose  
 13 duties it shall be to:

14 1. Enforce existing laws concerning registration of tuberculosis  
 15 cases;

16 2. Advise local boards concerning disinfection;

17 3. Inspect hospitals and sanatoria treating tuberculosis patients  
 18 and report on the same to the State department; and

19 4. Perform such duties as may be ordered by the State de-  
 20 partment].

1 8. R. S. 26:4-70 is amended to read as follows:

2 26:4-70. The State department shall [from time to time] make  
 3 rules and regulations for the care of persons suffering with  
 4 tuberculosis, and for preventing the spread of the disease. [The  
 5 rules shall be published and copies thereof sent, in such quantities  
 6 as desired, to each local board and practicing physician within the  
 7 State, on or before April 1 in each year, and to such other persons  
 8 or societies as may request the same.]

9 The State department shall enforce the rules and regulations and  
 10 see that they are enforced, for which purpose it may issue orders  
 11 to local boards and practicing physicians. Every local board shall  
 12 also enforce said rules and regulations.

1 9. Section 3 of P. L. 1949, c. 196 (C. 26:4-71.3) is amended to  
 2 read as follows:

3 3. If any person afflicted with tuberculosis in a communicable  
 4 form shall leave any hospital against [the advice of the super-  
 5 intendent or medical supervisor,] *medical advice*, [said super-  
 6 intendent or medical advisor] *the administrator* shall report such  
 7 person to the local board of health of the municipality in which  
 8 such patient was residing when admitted to the hospital and to the  
 9 State Commissioner of Health *within 12 hours*. Such report shall  
 10 be in writing and shall state whether the person is afflicted with  
 11 tuberculosis in a communicable form. [Such a person so afflicted  
 12 may be quarantined on his premises as provided in section one of  
 13 this act if in the opinion of the local board of health, or the local  
 14 health officer or the State Commissioner of Health quarantine is  
 15 necessary in order to protect others from becoming infected.]

1 10. R. S. 30:1-7 is amended to read as follows:

2 30:1-7. The charitable, hospital, relief and training institutions  
3 and noninstitutional agencies of this State, within the meaning of  
4 this Title, shall include the following, and, as well, any institution  
5 established hereafter for any similar purpose, as now established  
6 and as the same are to be hereafter maintained and operated pur-  
7 suant to law:

8 Trenton Psychiatric Hospital,  
9 Greystone Park Psychiatric Hospital,  
10 Marlboro Psychiatric Hospital,  
11 Ancora Psychiatric Hospital,  
12 New Jersey Neuropsychiatric Institute,  
13 **【New Jersey Hospital for Chest Diseases,】**  
14 North Jersey Training School at Totowa,  
15 New Lisbon State School,  
16 Woodbine State School,  
17 Vineland State School,  
18 Woodbridge State School,  
19 Hunterdon State School,  
20 New Jersey Memorial Home for Disabled Soldiers at Menlo Park,  
21 New Jersey Memorial Home for Disabled Soldiers, Sailors,  
22 Marines and their Wives and Widows at Vineland,  
23 Diagnostic Center at Menlo Park  
24 Arthur Brisbane Child Center at Allaire,  
25 Board of Public Welfare,  
26 Commission for the Blind and Visually Impaired.

27 The correctional institutions of this State, within the meaning of  
28 this Title, shall include the following, and, as well, any institution  
29 established hereafter for any similar purpose, as now established  
30 and as the same are to be hereafter maintained and operated  
31 pursuant to law:

32 State Prison, Trenton,  
33 State Prison, Rahway,  
34 State Prison, Leesburg,  
35 Youth Reception and Correction Center, Yardville,  
36 Youth Correctional Institution, Bordentown,  
37 Correctional Institution for Women, Clinton,  
38 Youth Correctional Institution, Annandale,  
39 Training School for Boys, Jamesburg,  
40 Training School for Girls, Trenton,  
41 Training School for Boys, Skillman.

1 11. R. S. 30:1-15 is amended to read as follows:

2 30:1-15. The commissioner and the State board shall have the  
3 power of visitation and inspection of all county and city jails or  
4 places of detention, county or city workhouses, county peniten-  
5 tiaries, county mental [and tuberculosis] hospitals, poor farms,  
6 almshouses, county and municipal schools of detention, and pri-  
7 vately maintained institutions and noninstitutional agencies for the  
8 care and treatment of the mentally ill, the blind, the deaf, the  
9 mentally retarded, or other institutions, and noninstitutional  
10 agencies conducted for the benefit of the physically and mentally  
11 defective, or the furnishing of board, lodging or care for children.  
12 The commissioner or his duly authorized agent, and any member  
13 of the State board shall be admitted to any and all parts of any  
14 such institutions at any time, for the purpose of inspecting and  
15 observing the physical condition thereof, the methods of manage-  
16 ment and operation thereof, the physical condition of the inmates,  
17 the care, treatment and discipline thereof, and also to determine  
18 whether such persons so admitted or committed are properly and  
19 adequately boarded, lodged, treated, cared for and maintained.  
20 The commissioner and the State board may make such report with  
21 reference to the result of such observation and inspection and  
22 recommendation with reference thereto, as they may determine.

1 12. R. S. 30:4-1 is amended to read as follows:

2 30:4-1. The State board, with the approval of the Governor,  
3 shall appoint a board of trustees for each institution or agency  
4 within the department or for each group or class thereof as it may  
5 determine.

6 Whenever the establishment or assumption of jurisdiction over  
7 an additional institution, or the acquisition of a site therefor, is  
8 authorized by the Legislature the State board, with the approval of  
9 the Governor, may appoint a board of trustees therefor or may  
10 authorize or designate any existing board of trustees to assume  
11 jurisdiction thereof. Each board of trustees of an institution shall  
12 be known as "the board of trustees" naming the institution or  
13 group or class for which the board is appointed. The State board,  
14 with the approval of the Governor, shall determine the names of  
15 the boards of noninstitutional agencies.

16 Except as otherwise specifically provided by statute, the boards  
17 of trustees shall consist of not less than five nor more than seven  
18 members appointed with the approval of the Governor from resi-  
19 dents of the State at large without respect to political affiliation or  
20 belief. At least two women shall be members of each board in

21 charge of the Training School for Boys, Jamesburg, the Home for  
 22 Disabled Soldiers, Sailors, Marines and their Wives and Widows,  
 23 and the institutions or agencies for the blind, feebleminded, [the  
 24 tubercular,] the epileptic and the insane and at least two members  
 25 of the Commission for the Blind and Visually Impaired shall them-  
 26 selves be legally blind but they shall not be employees, or related  
 27 by blood, marriage or adoption to any employee, of said commis-  
 28 sion. At least a majority of the members of each board in charge of  
 29 the Training School for Girls, Trenton, and the women's reforma-  
 30 tory shall be women.

31 The term of each board member shall be 3 years commencing on  
 31A July 1 and ending on June 30, of the third year thereafter. A va-  
 32 cancy shall be filled by the State board, with the approval of the  
 33 Governor, for the unexpired term only.

34 The members of new or additional boards of trustees shall at the  
 35 time of their appointment be divided into groups so that the terms  
 36 of two members shall expire on June 30 of the year next succeeding  
 37 appointment; the terms of two others on June 30 of the second year  
 38 succeeding appointment; the term of the fifth member and in case  
 39 of larger boards the term of the sixth member, on June 30 of the  
 40 third year succeeding appointment; the term of the seventh member  
 41 of a board having seven members, on June 30 of the fourth year  
 42 succeeding appointment. Their successors shall be appointed for  
 43 3-year terms.

44 The members of such boards shall receive no compensation for  
 45 services but shall be reimbursed for actual expenditures incurred  
 46 in the performance of duty. They shall be subject to removal by  
 47 the State board, with the approval of the Governor at any time  
 48 for good and sufficient cause.

49 On or before July 1 of each year each such board shall reorganize  
 50 by the election from among its members of a chairman and vice  
 51 chairman and shall appoint a secretary, with the approval of the  
 52 chief executive officer of the institution, who shall be an employee  
 53 of the department and shall serve at the pleasure of the board  
 54 without additional compensation. The term of office of the chair-  
 55 man and vice chairman shall be until June 30 of the following year  
 56 or until their successors are elected and qualified.

1 13. Section 6 of P. L. 1968, c. 413 (C. 30:4D-6) is amended to  
 2 read as follows:

3 6. a. Subject to the requirements of Title XIX of the Federal  
 4 Social Security Act, the limitations imposed by this act and by  
 5 the rules and regulations promulgated pursuant thereto, the medi-

6 cal assistance program shall include authorized services within  
7 each of the following classifications:

8 (1) Inpatient hospital services (other than services in an insti-  
9 tution for [tuberculosis or] mental diseases);

10 (2) Outpatient hospital services;

11 (3) Other laboratory and X-ray services;

12 (4) (a) Skilled nursing home services (other than services in  
13 an institution for [tuberculosis or] mental diseases) for persons  
14 21 years of age or older;

15 (b) Such early and periodic screening and diagnosis of indi-  
16 viduals who are eligible under the program and are under age 21  
17 to ascertain their physical or mental defects and such health care,  
18 treatment, and other measures to correct or ameliorate defects and  
19 chronic conditions discovered thereby, as may be provided in regu-  
20 lations of the Secretary of the Federal Department of Health,  
21 Education and Welfare and approved by the commissioner;

22 (5) Physicians' services furnished in the office, the patient's  
23 home, a hospital, skilled nursing home or elsewhere.

24 b. Subject to the limitations imposed by Federal law, by this act,  
25 and by the rules and regulations promulgated pursuant thereto,  
26 the medical assistance program may be expanded to include au-  
27 thorized services within each of the following classifications:

28 (1) Medical care not included in subsection a. (5) above, or any  
29 other type of remedial care recognized under State law, furnished  
30 by licensed practitioners within the scope of their practice as de-  
31 fined by State law; provided, however, at the program's inception  
32 such practitioners shall be limited to podiatrists and optometrists;

33 (2) Home health care services;

34 (3) Clinic services;

35 (4) Dental services;

36 (5) Physical therapy and related services;

37 (6) Prescribed drugs, dentures, and prosthetic devices; and eye-  
38 glasses prescribed by a physician skilled in diseases of the eye or  
39 by an optometrist, whichever the individual may select;

40 (7) Other diagnostic, screening, preventive, and rehabilitative  
41 services, and other remedial care;

42 (8) Inpatient hospital services and skilled nursing home services  
43 for individuals 65 years of age or over in an institution for [tu-  
44 tuberculosis or] mental diseases;

45 (9) Any other medical care and any other type of remedial care  
46 recognized under State law, specified by the Secretary of the Fed-



47 eral Department of Health, Education and Welfare, and approved  
48 by the commissioner.

49 c. Payments for the foregoing services, goods and supplies fur-  
50 nished pursuant to this act shall be made to the extent authorized  
51 by this act, the rules and regulations promulgated pursuant thereto  
52 and, where applicable, subject to the agreement of insurance pro-  
52A vided for under this act. Every provider making a claim for pay-  
53 ment pursuant to this act shall certify in writing that no additional  
54 amount will be charged to the recipient for the services, goods and  
55 supplies furnished.

56 d. Any individual eligible for medical assistance (including  
57 drugs) may obtain such assistance from any institution, agency,  
58 community pharmacy, or person, qualified to perform the service  
59 or services required (including an organization which provides  
60 such services, or arranges for their availability on a prepayment  
61 basis), who undertakes to provide him such services.

62 e. Anything in this act to the contrary notwithstanding, no pay-  
63 ments for medical assistance shall be made under this act with  
64 respect to care or services for any individual who:

65 (1) Is an inmate of a public institution (except as a patient in  
66 a medical institution); or

67 (2) Has not attained 65 years of age and who is a patient in an  
68 institution for **【tuberculosis or】** mental diseases.

1 14. Section 1 of P. L. 1947, c. 34 (C. 30:9-12.1) is amended to  
2 read as follows:

3 1. The board of chosen freeholders of any county having a popu-  
4 lation in excess of 400,000 may establish, erect and maintain a  
5 county hospital or hospitals for sick, disabled, or aged persons, for  
6 the mentally ill, and for persons suffering from communicable dis-  
7 eases, **【including tuberculosis,】** and for that purpose shall have  
8 power to:

9 Purchase and lease real property therefor or acquire such real  
10 property by condemnation pursuant to the provisions of chapter 1  
11 of Title 20 of the Revised Statutes (Eminent Domain § 20:1-1  
12 et seq.);

13 Erect all necessary buildings and make all necessary improve-  
14 ments, plans and alterations, the plans first to be approved by the  
15 State Department of Health;

16 Appropriate money for the purchase of a site and for the con-  
17 struction or reconstruction of all necessary buildings, including  
18 the original furnishings and equipment therefor, and borrow funds

19 therefor on the credit of the county and issue county obligations  
20 therefor in like manner as for other county purposes;

21 Accept and hold in trust for the county any grant or devise of  
22 land or any gift or bequest of money or other personal property  
23 or any donation and apply the same in accordance with the terms  
24 of the gift.

1 15. Section 8 of P. L. 1947, c. 34 (C. 30:9-12.8) is amended to  
2 read as follows:

3 8. A county hospital or hospitals established under this act shall  
4 be devoted to the care and treatment of:

5 (a) Persons suffering from communicable diseases, including  
6 tuberculosis;

7 (b) Mentally ill persons;

8 (c) Sick, disabled, or aged persons of the low-wage group, who  
9 are hereby defined to be those persons who are unable to pay pre-  
10 vailing semi-private hospital charges.

1 16. R. S. 30:9-28 is amended to read as follows:

2 30:9-28. No municipality shall locate, build, establish or main-  
3 tain, temporarily or permanently, any [pesthouse,] hospital or  
4 building for the treatment of any communicable disease, or for the  
5 reception of persons suffering from such disease, within the limits  
6 of another municipality, without first obtaining the consent of the  
7 governing body of such other municipality. Such consent may be  
8 by resolution upon such terms, conditions and limitations as the  
9 governing body of the consenting municipality shall therein pre-  
10 scribe.

11 [The provisions of this section shall not apply to a hospital,  
12 sanatorium, preventorium or other institution for persons afflicted  
13 with pulmonary tuberculosis, the establishment and maintenance  
14 of which shall be governed by the provisions of sections 30:9-30  
15 to 30:9-34 of this Title.]

1 17. R. S. 30:9-29 is amended to read as follows:

2 30:9-29. The board of chosen freeholders of a county which has  
3 no county hospital permanently maintaining a building or pavilion  
4 for communicable diseases, other than the sick ward of the county  
5 poor home or the county institutions for the [tubercular or] insane,  
6 may appropriate not more than \$50,000.00 in any 1 year, to any  
7 one hospital which permanently maintains and operates a building  
8 or pavilion for communicable diseases, or, for the purpose of con-  
9 tracting with any such hospital for payment for care and treatment  
10 of residents of such county who are afflicted with communicable  
11 diseases.

1 18. R. S. 30:9-38 is amended to read as follows:

2 30:9-38. When a county hospital for communicable diseases has  
3 been completed in counties other than counties of the first class  
4 the director of the board of chosen freeholders, with the consent  
5 and approval of the board, may appoint a board of managers for  
6 the hospital consisting of six members, residents of the county,  
7 three of whom shall be physicians and three of whom shall be  
8 selected from the members of the several boards of health or  
9 department heads administering health laws within the county.  
10 Not more than three members shall belong to the same political  
11 party. Two shall be appointed to serve for 3 years, two for 2 years  
12 and two for 1 year, and their successors shall be appointed in the  
13 same manner but shall serve for a term of 3 years. A vacancy  
14 shall be filled for the unexpired term only. Members shall serve  
15 without compensation.

16 In any county of the first class, and in all counties of the second  
17 class in which there is no appointed board of managers as pro-  
18 vided in the first paragraph of this section, the board of managers  
19 of such hospital shall consist of the board of chosen freeholders  
20 of said county or such committee or committees thereof as the  
21 board of chosen freeholders shall designate. Each year at the time  
22 of organization of the board of chosen freeholders, the director  
23 shall select from among the members of the board a committee to  
24 act as a board of managers subject to the general jurisdiction and  
25 control of the board of chosen freeholders, and shall designate the  
26 chairman of such committee. The board of chosen freeholders  
27 shall appoint each year, with the advice of the superintendent of  
28 the hospital, an advisory and consulting staff of not less than five  
29 physicians resident in the county whose duties it shall be to confer  
30 and consult with the superintendent and board of chosen free-  
31 holders to promote and advance the scientific, medical and surgical  
32 development of the institution. Notice of meetings of the hospital  
33 committee of the board of chosen freeholders shall be given to  
34 each member of the advisory staff.

35 **[In all counties of the second class in which there is no appointed**  
36 **board of managers, as provided in the first paragraph of this sec-**  
37 **tion, the board of chosen freeholders may designate the board of**  
38 **managers of the tubercular sanitarium, established in said county**  
39 **as the board of managers for the county hospital for communicable**  
40 **diseases, and the board of freeholders may further designate the**  
41 **superintendent of said tubercular sanitarium as the superintendent**  
42 **of the county hospital for communicable diseases.]**

1 19. R. S. 30:9-57 is amended to read as follows:

2 30:9-57. A person *\*with communicable tuberculosis\** who

3 fails to obey the rules or regulations promulgated *in accord-*

4 *ance with 26:4-70* by the State Department of Health for the

5 care of tubercular persons and for the prevention of the

5A spread of tuberculosis, or who is an actual menace to the com-

6 munity or to **[children in]** *members of* his household, may be

7 committed to **[the county hospital, or, in case there is no county**

8 hospital in the county in which the patient resides, then to a

9 hospital, either in said county or in another county, at which the

10 board of chosen freeholders of the county in which the patient

11 resides makes provisions for tubercular patients,**]** *a hospital or*

12 *institution\*\*,\*\* designated by the State \*\****[Department of Institu-**

13 *tions and Agencies or the commisisoner of said department]\*\**

13A *\*\*Commissioner of Health with the approval of the Commissioner*

13B *of the State Department of Human Services,\*\* for the care and*

14 *custody of such person or persons,* by the county court of the county

15 in which the person **[may reside]** *resides,* upon proof of service

16 upon him of the rules and regulations and proof of violation

17 thereafter, or upon proof by **[any]** *the* health officer of the munici-

18 pality in which the person **[may reside]** *resides,* or by the **[Direc-**

19 **tor]** *State Commissioner of Health [of New Jersey]* or his autho-

20 rized representative, that he is suffering from tuberculosis, and is

21 an actual menace to the community, or to **[children in]** *members of*

22 his household. Two days' notice of the time and place of hearing

23 shall in all cases be served upon the person to be committed. Proof

24 of such service shall be made at the hearing. The court may also

25 make such order for the payment for care and treatment as may

26 be proper. **[After commitment such person may be discharged by**

27 the court at any time it considers proper, or the court may, in the

28 order of commitment or by subsequent order, authorize the super-

29 intendent of the institution to parole or discharge such patients in

30 accordance with the same rules and regulations governing the

31 parole and discharge of other patients in said institution.**]** *The*

32 *superintendent or person in charge of said hospital or institution to*

33 *which such person has been committed shall detain said person*

34 *until the State Commissioner of Health shall be satisfied that the*

35 *person has recovered to the extent that he will not be a menace to*

36 *the community or to members of his household or that the person*

37 *will so conduct himself that he will not constitute such a menace.*

1 20. R. S. 30:9-61 is amended to read as follows:

2 30:9-61. The board of chosen freeholders of a county, other than  
3 counties of the first class, may establish, erect and maintain a  
4 county hospital for persons suffering from communicable diseases  
5 **including tuberculosis**.

6 A board having voted to establish such hospital shall have  
7 power to:

8 Purchase and lease real property therefor or acquire such real  
9 property by condemnation pursuant to the provisions of chapter 1  
10 of the title Eminent Domain (§ 20:1-1 et seq.);

11 Erect all necessary buildings and make all necessary improve-  
12 ments, plans and alterations, the plans first to be approved by the  
13 State Department of Health;

14 Borrow money for the purchase of a site and the erection of the  
15 hospital on the credit of the county and issue county obligations  
16 therefor in like manner as for other county purposes;

17 Accept and hold in trust for the county any grant or devise of  
18 land or any gift or bequest of money or other personal property or  
19 any donation to be applied, principal or income, or both, for the  
20 benefit of the hospital, and apply the same in accordance with the  
21 terms of the gift.

1 21. R. S. 30:9-66 is amended to read as follows:

2 30:9-66. A resident of the county desiring treatment in the  
3 county hospital established under section 30:9-61 of this Title may  
4 apply for examination to a reputable physician. Such physician  
5 if he find that the applicant is suffering from a communicable  
6 disease in any form, **except tuberculosis,** may apply to the  
7 superintendent for his admission.

8 All applications shall state whether in the judgment of the physi-  
9 cian, the patient is able to pay in whole or in part for his care and  
10 treatment. Each application shall be filed and recorded in a book  
11 kept for that purpose in the order of its receipt.

12 **The admission and transfer of tubercular patients, and the** *The*  
13 determination of legal settlement and liability for costs of care and  
14 maintenance of all patients shall be insofar as practicable in  
15 accordance with sections 30:4-23 to 30:4-105 and 30:9-45 to 30:9-60  
16 of this Title.

17 **Tubercular patients shall be admitted in the order in which the**  
18 names of applicants appear in the application book.

19 No discrimination shall be made in the accommodation, care or  
20 treatment of any patient because of any payment of maintenance

21 and no officer or employee shall accept from a patient any fee,  
22 payment or gratuity for services.

23 When in the judgment of the board of managers the further  
24 detention of a patient is for his benefit or the benefit of the com-  
25 munity, he may be so detained. No patient shall be discharged  
26 without first obtaining permission of the superintendent or board  
27 of managers.

28 The superintendent, if he shall be a physician and if not then  
29 such member of the medical staff as shall be so designated by the  
30 board of managers, shall have the custody and control of the  
31 patients and within the regulations of the board of managers may  
32 restrain and discipline a patient in such manner as in his opinion  
33 the welfare of the patient requires. He shall discharge a patient  
34 whenever cured or whenever further detention would not benefit  
35 the patient or the community.

36 A patient to whom discharge is refused, or any person as his  
37 guardian ad litem, may apply to the county court in a summary  
38 manner for such discharge.

1 22. R. S. 30:12-2 is amended to read as follows:

2 30:12-2. No person, corporation or association, except municipal  
3 corporations or corporations not organized for pecuniary profit  
4 shall establish or maintain for profit any hospital, **[sanatorium]**  
5 or other institution for persons afflicted with communicable diseases  
6 without first having obtained the consent by resolution or ordinance  
7 of the governing board or body of the municipality within which  
8 the institution is to be established.

9 Notice of application for such consent, setting forth the time and  
10 place at which the application will be presented, the name of the  
11 applicant, and the exact location of the proposed institution shall  
12 be given by publication for at least 2 weeks in one or more news-  
13 papers published and circulated in the municipality, or if none be  
14 published therein, by posting in ten of the most public places in  
15 such municipality at least 14 days before the meeting at which the  
16 application will be presented.

1 23. R. S. 44:4-89 is amended to read as follows:

2 44:4-89. In the management of welfare-houses the inmates shall  
3 be classified according to age, condition of health and ability to  
4 perform manual labor. Some form of employment shall be provided  
5 for such of the inmates as are able to work. **[Inmates afflicted with**  
6 **any tubercular disease shall be separated from the other inmates**  
7 **and cared for in separate dwellings.]**

- 1 24. The following sections, acts and parts of acts together with  
2 all amendments and supplements thereto, are hereby repealed:
- 3 R. S. 9:14-1 and R. S. 19:14-2, inclusive;  
4 R. S. 26:4-58 and R. S. 26:4-59, inclusive;  
5 R. S. 26:4-61 through R. S. 26:4-68, inclusive;  
6 Sections 1, 2, 4, 5 and 6 of P. L. 1949, c. 196 (C. 26:4-71.1,  
7 C. 26:4-71.2, C. 26:4-71.4, C. 26:4-71.5 and C. 26:4-71.6);  
8 R. S. 30:4-18;  
9 R. S. 30:4-158 and R. S. 30:4-159, inclusive;  
10 R. S. 30:9-30 through R. S. 30:9-34, inclusive;  
11 R. S. 30:9-45 and R. S. 30:9-46, inclusive;  
12 R. S. 30:9-48;  
13 P. L. 1970, c. 27 (C. 30:9-48.1);  
14 R. S. 30:9-49 through R. S. 30:9-52, inclusive;  
15 P. L. 1949, c. 219, (C. 30:9-52.1);  
16 P. L. 1955, c. 11 (C. 30:9-52.2);  
17 R. S. 30:9-53 through R. S. 30:9-56, inclusive;  
18 R. S. 30:9-58 through R. S. 30:9-60, inclusive;  
19 R. S. 30:9-82 through R. S. 30:9-84, inclusive;  
20 R. S. 30:12-3;  
21 R. S. 40:21-45 through R. S. 40:21-47, inclusive.
- 1 25. This act shall take effect immediately.

- 15 P. L. 1949, c. 219, (C. 30:9-52.1);  
16 P. L. 1955, c. 11 (C. 30:9-52.2);  
17 R. S. 30:9-53 through R. S. 30:9-56, inclusive;  
18 R. S. 30:9-58 through R. S. 30:9-60, inclusive;  
19 R. S. 30:9-82 through R. S. 30:9-84, inclusive;  
20 R. S. 30:12-3;  
21 R. S. 40:21-45 through R. S. 40:21-47, inclusive.  
1 25. This act shall take effect immediately.

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STATEMENT

This bill would update the tuberculosis statutes to reflect the modern concepts of tuberculosis treatment and prevention.

As the methods of diagnosis and treatment of tuberculosis progressed during this century, the mortality and morbidity from this disease began to decline. With the advent of chemotherapy in the late 1940's and early 1950's, the down trend was greatly accelerated, and the required period of treatment was shortened.

It is no longer necessary to send the tuberculosis patient away from his community for treatment. Today, the tuberculosis patient should receive most and sometimes all of his treatment as an outpatient, either in a clinic, community health center, or physician's office, although some patients may require a period of inpatient care for various reasons. With modern drug treatment, the tuberculosis patient rapidly becomes noncontagious making it possible for him to remain in the community while undergoing treatment.



SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1965**

[OFFICIAL COPY REPRINT]  
with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 1, 1977

This bill revises a number of sections of the law pertaining to the treatment and prevention of tuberculosis.

In general, the revisions made by this bill would provide statutory recognition of the fact that tuberculosis, because of medical advances, is no longer a disease that requires specialized facilities for treatment.

The bill amends current procedures for testing children for communicable tuberculosis; deletes the "New Jersey Hospital for Chest Diseases" from the list of institutions under the jurisdiction of the Department of Human Services; deletes references to institutions for the tubercular at the State, county or municipal level; and deletes references to inpatient tuberculosis treatment in the Medicaid act.

As amended by the committee, section 19 of this bill would allow for commitment of persons who have tuberculosis yet fail to obey the rules and regulations for treatment and prevention of further infection, to a hospital or institution designated by the State "Commissioner of Health with the approval of the Commissioner of the State Department of Human Services." Under the law, the Commissioner of Health is assigned responsibility for the care of tubercular persons and for the prevention of the spread of tuberculosis. However, since commitments may be sought to *State* facilities under the jurisdiction of the Department of Human Services, it is proper that the commissioner of that department be consulted.