MEDICAL CONFINEMENT OF PATIENTS WITH ACTIVE TUBERCULOSIS WHO REFUSE TREATMENT

Purpose:

To establish the procedure by which LSUHCS-S shall enforce Title 40 of the LA revised Statues, Section 17, authorizing the emergency medical confinement of patients with active tuberculosis who refuse treatment.

Title 40 of the Louisiana Revised Statues; Section 17

“A person who is infected with tuberculosis in an active and communicable state, who is a patient in a hospital and who refuses treatment for tuberculosis against medical advice may be detained and held in a hospital for a period not to exceed fifteen days by an emergency certificate executed by the hospital’s infectious disease control physician or pulmonary disease physician in accordance with the procedure set forth in this section.”

Policy:

1. Preparation and issuance of any emergency certificate for the purpose of detaining and holding a patient shall be executed by the hospital’s Infectious Disease or Pulmonary/Critical Care physician. The physician shall be responsible for:

   a) personally examining the patient and conferring with the patient and the patient’s treating physician;
   b) reviewing the patient’s medical record to confirm that the tuberculosis is in an active, infectious, and communicable state;
   c) finding current evidence that the patient has refused to take required tuberculosis medications and the patient desires to leave the hospital against medical advice;
   d) concluding that the patient poses a present danger to himself/herself or others if the patient should leave the hospital against medical advice.

2. Once the criteria for detainment are met, the certifying physician must complete the Emergency Certificate including the date and time of the exam, sign the form, and place it in the patients’ medical record. Emergency certificate forms and instructions will be provided by the
tuberculosis control section of the Public Health Unit and shall be maintained in the Infection Control Department and Administrative House Manager’s Office.

3. The Infectious Diseases physician and the attending physician shall contact the state health officer through the nearest tuberculosis control Division of the Public Health Unit for purposes of coordinating the patient’s transfer to a state tuberculosis treatment facility within the fifteen days covered by the emergency certificate.

4. Within seventy-two hours following the execution of the emergency certificate, there must be a follow up examination of the patient by a hospital staff physician, preferably the patient’s attending physician. This physician must record his or her findings from the examination in the section provided in the emergency certificate. The information provided in this Section must state the date and hour of the follow-up examination and must be signed at that time by the physician.

5. If the follow-up examination confirms the initial findings of the certified physician the emergency certificate shall remain in full force and effect.

6. If after the follow-up examination, it is determined that circumstances have changed, that the patient is taking the required tuberculosis medications, and that the patient no longer poses a present threat to himself or herself and others, the emergency certificate shall expire upon the examining physician’s signature attesting to this fact.

7. If no follow-up examination occurs within the seventy-two hours following the execution of the emergency certificate, the emergency certificate shall be deemed to have expired by operation of law.

___________________________________
Administrator

___________________________________
Date

Approved by Clinical Board: 4/17/01

Written: 4/98
Revised: 3/01