

**Title 51**  
**PUBLIC HEALTH—SANITARY CODE**  
**Part II. The Control of Diseases**

**Chapter 1. Disease Reporting Requirements**

**§101. Definitions**  
**[formally paragraph 2:001]**

A. Unless otherwise specifically provided herein, the following words and terms used in this Part and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

*Carbon Monoxide*—carbon monoxide (CO) is a colorless, odorless, poisonous gas produced through incomplete combustion of carbon-based fuels, including gasoline, oil, and wood.

*Carrier*—a person, who without apparent symptoms of a communicable disease, harbors the specific infectious agent and may serve as a source of infection. The carrier state may occur with infections unapparent throughout their course, and also as a feature of incubation period, convalescence, and post-convalescence of a clinically recognizable disease.

*Case*—a particular instance of disease.

*Case of Arsenic Exposure*—any medical condition/visit resulting from arsenic exposure as determined from the exposure history or patient statement and/or injury resulting from inhalation, ingestion, dermal exposure or ocular contact with arsenic. Laboratory test results for arsenic: includes results of arsenic tests (blood, urine, or tissue samples), regardless of test result.

*Case of Cadmium Exposure*—any medical condition/visit resulting from cadmium exposure as determined from the exposure history or patient statement and/or injury resulting from inhalation, ingestion, dermal exposure or ocular contact with cadmium. Laboratory test results for cadmium: includes results of cadmium tests (blood, urine, or tissue samples), regardless of test result.

*Case of Carbon Monoxide Exposure*—any medical condition/visit resulting from carbon monoxide exposure as determined from the exposure history or patient statement and/or injury resulting from inhalation contact with carbon monoxide. Laboratory test results for carbon monoxide includes results of carboxyhemoglobin tests (blood samples), regardless of test result.

*Case of Lead Exposure*—any medical condition/visit resulting from lead exposure as determined from the exposure history or patient statement and/or injury resulting from inhalation, ingestion, dermal exposure or ocular contact with lead. Laboratory test results for lead: includes results of lead tests (blood, urine, or tissue samples), regardless of test result.

*Case of Mercury Exposure*—any medical condition/visit resulting from mercury exposure as determined from the exposure history or patient statement and/or injury resulting from inhalation, ingestion, dermal exposure or ocular contact with mercury. Laboratory test results for mercury: includes results of mercury tests (blood, urine, or tissue samples), regardless of test result.

*Case of Pesticide-Related Illness and Injury*—any medical condition/visit resulting from pesticide exposure as determined from the exposure history or patient statement and/or acute, subacute, or chronic illness or injury resulting from inhalation, ingestion, dermal exposure or ocular contact with a pesticide. Laboratory test results for pesticide-related illness and injury includes results of cholinesterase tests (plasma and red blood cell), regardless of test results, for which the purpose of the test was possible pesticide exposure; and tests of pesticides or metabolites in blood, urine, or tissue samples, regardless of test results.

*Communicable Disease*—an illness due to a specific infectious agent or its toxic products, which arises through transmission of that agent or its products from a reservoir to susceptible host, either directly as from an infected person or animals, or indirectly through the agency of an intermediate plant or animal host, a vector or the inanimate environment.

*Contact*—any person who has been in such association with an infected person or animal or with a contaminated environment as to have had opportunity to acquire the infection.

*Isolation*—the separation for the period of communicability of infected persons from other persons, in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent from infected persons to persons who are susceptible or who may spread the agent to others.

*Pesticide*—any pesticide defined in the Louisiana Pesticide Law (Louisiana Revised Statutes Chapter 20, 1999) as now stated and as may be amended in the future. Pesticides include but are not limited to insecticides, herbicides, rodenticides, repellants, fungicides, and wood treatment products.

*Quarantine*—the limitation of freedom of movement of such well persons or domestic animals as have been exposed to a communicable disease for a period of time equal to the longest usual incubation period of the disease, in such manner as to prevent effective contact with those not so exposed.

NOTE: In connection with the control of communicable diseases, the term *quarantine* is frequently used interchangeably with the term *isolation* as defined above in this Paragraph. At times, the two terms may be used together,

as in an *isolation/quarantine order* pursuant to R.S. 40:4(A)(13), and further pursuant to §§117-121 in the body of this Part in this code pertaining to the Control of Diseases.

**Reportable Disease**—any disease or condition for which an official report is required by the state health officer.

**AUTHORITY NOTE:** The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4(A)(2) and R.S. 40:5(1)(2) and (10).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1212 (June 2002), amended LR 32:1050 (June 2006), LR 34:2173 (October 2008), repromulgated LR 34:2582 (December 2008).

### §103. Public Notice of Reportable Diseases [formerly paragraph 2:002]

A. Those diseases to be reportable will be publicly declared by the state health officer and when any disease is so declared to be a reportable disease, the regulation herein provided shall apply thereto. The state health officer may, at his discretion, from time to time, by public notice, add to or delete from the list of reportable diseases. When a disease is added to the list, the regulations herein pertaining to the reporting of disease shall apply to said disease.

**AUTHORITY NOTE:** Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(10).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1212 (June 2002).

### §105. Reportable Diseases and Conditions [formerly paragraph 2:003]

A. The following diseases or conditions are hereby declared reportable with reporting requirements by Class.

#### 1. Class A Diseases or Conditions which Shall Require Reporting within 24 Hours

a. This class includes diseases of major public health concern because of the severity of disease and potential for epidemic spread. Class A diseases or conditions shall be reported to the Office of Public Health by telephone immediately upon recognition that a case, a suspected case, or a positive laboratory result is known. In addition, all cases of rare or exotic communicable diseases, unexplained death, unusual cluster of disease and all outbreaks shall be reported. The following diseases or conditions shall be classified as Class A for reporting requirements:

- i. Anthrax;
- ii. Avian Influenza;
- iii. Botulism;
- iv. Brucellosis;
- v. Cholera;
- vi. Diphtheria;
- vii. Haemophilus influenzae (invasive infection);

- viii. Influenza-associated Mortality;
- ix. Measles (rubeola);
- x. Neisseria meningitidis (invasive infection);
- xi. Plague;
- xii. Poliomyelitis (paralytic);
- xiii. Q Fever (Coxiella burnetii);
- xiv. Rabies (animal and human);
- xv. Rubella (congenital syndrome);
- xvi. Rubella (German measles);
- xvii. Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV);
- xviii. Staphylococcus aureus, Vancomycin Intermediate or Resistant (VISA/VRSA);
- xix. Smallpox;
- xx. Tularemia;
- xxi. Viral Hemorrhagic Fever;
- xxii. Yellow Fever.

#### 2. Class B Diseases or Conditions which Shall Require Reporting within One Business Day

a. This class includes diseases of public health concern needing timely response because of potential for epidemic spread. The following Class B diseases shall be reported to the Office of Public Health by the end of the next business day after the existence of a case, a suspected case, or a positive laboratory result is known:

- i. Arthropod-Borne Neuroinvasive Disease and other infections (including West Nile, St. Louis, California, Eastern Equine, Western Equine and others);
- ii. Aseptic meningitis;
- iii. Chancroid<sup>1</sup>;
- iv. Escherichia coli, Shiga-toxin producing (STEC), including E. coli O157:H7;
- v. Hantavirus Pulmonary Syndrome;
- vi. Hemolytic-Uremic Syndrome;
- vii. Hepatitis A (acute illness);
- viii. Hepatitis B (acute illness and carriage in pregnancy);
- ix. Hepatitis B (perinatal infection);
- x. Hepatitis E;
- xi. Herpes (neonatal);
- xii. Legionellosis;
- xiii. Malaria;
- xiv. Mumps;
- xv. Pertussis;

- xvi. Salmonellosis;
- xvii. Shigellosis;
- xviii. Syphilis<sup>1</sup>;
- xix. Tetanus;
- xx. Tuberculosis<sup>2</sup>;
- xxi. Typhoid Fever.

### 3. Class C Diseases or Conditions which Shall Require Reporting within Five Business Days

a. This class shall include the diseases of significant public health concern. The following diseases shall be reported to the Office of Public Health by the end of the workweek after the existence of a case, suspected case, or a positive laboratory result is known:

- i. Acquired Immune Deficiency Syndrome (AIDS)
- ii. Blastomycosis;
- iii. Campylobacteriosis;
- iv. Chlamydial infection<sup>1</sup>;
- v. Coccidioidomycosis;
- vi. Cryptococcosis;
- vii. Cryptosporidiosis;
- viii. Cyclosporiasis;
- ix. Dengue;
- x. Ehrlichiosis;
- xi. Enterococcus, Vancomycin Resistant [(VRE), invasive disease];
- xii. Giardia;
- xiii. Gonorrhea<sup>1</sup>;
- xiv. Hansen Disease (leprosy);
- xv. Hepatitis B (carriage, other than in pregnancy);
- xvi. Hepatitis C (acute illness);
- xvii. Hepatitis C (past or present infection);
- xviii. Human Immunodeficiency Virus (HIV);
- xix. Listeria;
- xx. Lyme Disease;
- xxi. Lymphogranuloma venereum<sup>1</sup>;
- xxii. Psittacosis;
- xxiii. Rocky Mountain Spotted Fever (RMSF);
- xxiv. Staphylococcal Toxic Shock Syndrome;
- xxv. Staphylococcus aureus, Methicillin/Oxacillin Resistant [(MRSA), invasive infection];
- xxvi. Streptococcal disease, Group A (invasive disease);

- xxvii. Streptococcal disease, Group B (invasive disease);
- xxviii. Streptococcal Toxic Shock Syndrome;
- xxix. Streptococcus pneumoniae, Penicillin Resistant [(DRSP), invasive infection];
- xxx. Streptococcus pneumoniae (invasive infection in children <5 years of age);
- xxxi. Transmissible Spongiform Encephalopathies;
- xxxii. Trichinosis;
- xxxiii. Varicella (chickenpox);
- xxxiv. Vibrio infections (other than cholera).

### 4. Class D Special Reportable Diseases or Conditions Shall Require Reporting within Five Business Days

a. This class shall include the diseases of significant public health concern. The following diseases/conditions shall be reported to the Office of Public Health by the end of the workweek after the existence of a case, suspected case, or a positive laboratory result is known:

- i. Cancer;
- ii. Carbon monoxide exposure and / or poisoning;
- iii. Complications of abortion;
- iv. Congenital hypothyroidism<sup>3</sup>;
- v. Galactosemia<sup>3</sup>;
- vi. Heavy metal (arsenic, cadmium, mercury) exposure and/or poisoning (all ages);
- vii. Hemophilia<sup>3</sup>;
- viii. Lead exposure and/or poisoning (all ages)<sup>3</sup>;
- ix. Pesticide-related illness or injury (all ages);
- x. Phenylketonuria<sup>3</sup>;
- xi. Reye's Syndrome;
- xii. Severe traumatic head injury;
- xiii. Severe under nutrition (severe anemia, failure to thrive);
- xiv. Sickle cell disease (newborns)<sup>3</sup>;
- xv. Spinal cord injury;
- xvi. Sudden infant death syndrome (SIDS).

B. Case reports not requiring special reporting instructions (see below) can be reported by confidential disease report forms (2430), facsimile, phone reports or through the Office of Public Health's electronic reportable disease database: <https://ophrdd.dhh.state.la.us>.

1. <sup>1</sup>Report on STD-43 form. Report cases of syphilis with active lesions by telephone.

2. <sup>2</sup>Report on CDC72.5 (f.5.2431) card.

3. <sup>3</sup>Report to the Louisiana Genetic Diseases Program and Louisiana Childhood Lead Poisoning Prevention Programs.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1212 (June 2002), amended LR 32:1050 (June 2006), LR 34:2173 (October 2008), repromulgated LR 34:2582 (December 2008).

**§107. Physicians Reporting Duties**  
[formerly paragraph 2:004]

A. It is hereby made the duty of every physician practicing medicine in the state of Louisiana to report to the state health officer, through the health unit of the parish or municipality wherein such physician practices, any case or suspected case of reportable disease or condition which he or she is attending, or has examined, or for which such physician has prescribed. The report shall be made promptly at the time the physician first visits, examines or prescribes for the patient, and such report shall state the name, age, sex, race, usual residence, place where the patient is to be found, the nature of the disease or condition and the date of onset.

B. [Formerly paragraph 2:005] Any physician, whether Louisiana resident or non-resident, engaged in the practice of medicine at any federal installation or on any vessel, train or other common carrier, which enters any port, station or place in the state of Louisiana, is required to report as specified in §107.A.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1213 (June 2002).

**§109. Reports by All Health Care Providers**  
[formerly paragraph 2:006]

A. It shall be the duty of every osteopath, coroner, medical examiner, dentist, homeopath, infection control practitioner, laboratory director, medical records director, nurse, nurse midwife, nurse practitioner, pharmacist, physician assistant, podiatrist, poison control center, social worker, veterinarian, and any other health care professional to report, a positive laboratory result, a confirmed or suspected case of any reportable disease or condition as specified in §105 in which he or she has examined or evaluated, or for which he or she is attending or has knowledge.

AUTHORITY NOTE: Promulgated in accordance with the provisions or R.S. 40:4(A)(2) and R.S. 40:5(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1213 (June 2002), amended LR 32:1051 (June 2006).

**§111. Reports Required of Parents, Schools and Day Care Centers**  
[formerly paragraph 2:007]

A. It shall be the duty of every parent, guardian, householder, attendant or other in charge, principal of a public or private school, operator of a day care center or residential facility (public or private) to report a case of reportable disease in his household or school to the state health officer through the health unit of the parish in which

the house or school is located, when he or she knows or reasonably believes that the disease is one which legally must be reported, except when he or she knows or reasonably believes that a physician, presumed to have already reported the case, is in attendance.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1213 (June 2002).

**§113. Laboratory Reporting Requirements**  
[formerly paragraph 2:008]

A. The director of every laboratory whether public, private, hospital or other, within or out of the state shall report to the State Health Officer the results of all tests that are in any way clinically relevant, suggestive or indicative of an individual having active disease, past or present exposure to, past or present contact with and/or past or present association with any of the disease/conditions listed in the Public Health Sanitary Code, Part II, Chapter 1, §105. The results of the tests to be reported to the state health officer do not have to be conducted for diagnostic reasons, nor do the results have to be diagnostic or confirmatory. The report should be received in a timely manner consistent with the requirements of the diseases/conditions Class described in §105 and shall state the name, date of birth, sex, race, usual residence, specimen identification code/ID and test results of the tested individual as well as the name of the physician or person submitting the specimen. Contact information for the laboratory performing the test(s) must be provided. Laboratories shall not defer their Public Health Reporting responsibilities to other authorities (e.g., Infection Control) within the institutions they serve. In addition, laboratories performing tests on specimens received from other laboratories shall report to the state health officer all results as prescribed above plus the contact information for the facility/laboratory where the specimen originated. Moreover, no considerations, evaluations or concerns, regarding any test technology or test result by institutions and/or organizations whether federal, state or otherwise (e.g., FDA, CMS-CLIA, etc.) which may be overseeing, approving, evaluating or licensing laboratory testing, shall represent an a priori rationale for withholding laboratory reports from the state health officer.

B. Laboratory reports shall not be construed by the Office of Public Health as diagnosis. In the case of private patients, follow-up of laboratory reports shall be through the physician(s) submitting the specimen(s).

AUTHORITY NOTE: Promulgated in accordance with the provisions or R.S. 40:4(A)(2) and R.S. 40:5(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1214 (June 2002), amended LR 32:1052 (June 2006).

**§115. Investigations**  
[formerly paragraph 2:009]

A. The state health officer may immediately upon receiving notification of any communicable disease or reportable condition, investigate as the circumstances may

require for the purpose of verification of the diagnosis, to ascertain the source of the causative agent, to disclose unreported cases and to reveal susceptible contacts if such information is required to prevent a serious health threat to the community. The decision of the state health officer as to the diagnosis shall be final, for administrative purposes.

B. [Formerly paragraph 2:010] The state health officer is hereby empowered and it is made his or her duty whenever a case of communicable disease occurs, to obtain laboratory specimens of body tissues, fluids or discharges and of materials directly or indirectly associated with the case as may be necessary or desirable in confirmation of the diagnosis or for ascertaining the source of the infection when acceptable laboratory and medical reports are not available. Whenever laboratory tests are required for the release of cases or carriers or suspected cases or carriers, the state health officer shall be satisfied that a sufficient number of specimens are examined, that the specimens are authentic and are examined in an acceptable laboratory.

C. [Formerly paragraph 2:013] No person shall interfere with or prevent the entrance to or examination of any house, building, trailer, camp, train, airplane, bus, steamship, or other water craft, or any abode, by the state health officer where a case of communicable disease is either suspected or reported to exist.

D. [Formerly paragraph 2:009-1] The state health officer shall make a good faith effort to notify individuals who are spouses and/or sexual contacts to persons with Human Immunodeficiency Virus (HIV) infection of their exposure, offer them counseling about their risk of infection, and offer them testing for HIV infection. In performing this activity, the state health officer or his/her designee shall initially contact the primary medical provider of the person who has HIV infection, if such medical provider can be identified, and ask if the infected person or the medical provider intends to conduct this notification. If neither the infected person nor the medical provider intends to notify spouses or sexual partners of the exposure, the state health officer or his/her designee shall attempt to interview the infected person directly to identify these partners for counseling and testing. Notification of partners shall be conducted in such a manner as to maintain the confidentiality of the infected person.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1214 (June 2002), amended LR 32:1052 (June 2006).

**§117. Disease Control Measures Including Isolation/Quarantine [formerly paragraph 2:011]**

A. Individuals suspected of being cases or carriers of a communicable disease, or who have been exposed to a communicable disease, and who in the opinion of the state health officer may cause serious threat to public health, shall either submit to examination by a physician and to the collection of appropriate specimens as may be necessary or

desirable in ascertaining the infectious status of the individual, or be placed in isolation or under quarantine as long as his or her status remains undetermined. Specimens collected in compliance with this Section shall be examined either by a state laboratory free of charge or by a laboratory approved by the state health officer at the individual's own expense.

B. [Formerly paragraph 2:014] It shall be the duty of the state health officer or his or her duly authorized representative to promptly institute necessary control measures whenever a case of communicable disease occurs.

C. [Formerly paragraph 2:015] The state health officer or his or her duly authorized representative is hereby empowered and it is made his or her duty, whenever a case of communicable disease occurs in any household or place, and it is in his or her opinion, necessary or advisable that persons residing therein shall be kept from contact with the public, to declare the house, building, apartment, room, or place where the case occurs, a place of quarantine, and to require that only persons so authorized by the state health officer shall leave or enter said quarantined place during the period of quarantine.

D. [Formerly paragraph 2:016] Whenever a disease of international or interstate epidemic significance occurs in any community within or outside the state of Louisiana, the state health officer shall, if in his or her opinion, it is necessary, proclaim and institute a quarantine of the locality in which the said disease prevails and shall formulate and publish rules and regulations to carry out such quarantine effectively; which rules and regulations shall have the same force and authority as this code and shall remain in force until rescinded by proclamation of the state health officer.

E. [Formerly paragraph 2:017] It is a violation of this code for any person to enter or leave any quarantined area in the state of Louisiana, or to enter from any quarantined area without the state of Louisiana except by permission of the state health officer.

F. [Formerly paragraph 2:018] No person shall interfere with, conceal, mutilate or tear down any notices or placard placed on any house, building, or premises by the state health officer. Such placards shall be removed only on authority of the state health officer.

G. [Formerly paragraph 2:019] Whenever in the judgment of the state health officer, it is necessary to protect the public health against a serious health hazard, the state health officer may take complete charge of any case of communicable disease occurring therein and may carry on such measures to prevent its spread as he or she may believe necessary and as are provided for by this Code.

H. If expedited partner therapy is chosen as an alternative by the before mentioned physician, advanced practice registered nurse or physician assistant, the patient with a case of gonorrhea or chlamydia will be given a written document that the patient agrees to give to his or her sexual contact. The document will contain, but will not be limited to the following information.

1. The sexual contact should be examined and treated by a physician, advanced practice registered nurse or physician assistant, if at all possible.

2. The medicine or prescription for medicine given to the sexual contact by the patient should not be taken by the contact if the contact has a history of allergy to the antibiotic or to the pharmaceutical class of antibiotic in which case the sexual contact should be examined and treated by a physician, advanced practice registered nurse or physician assistant and offered another type of antibiotic treatment.

3. The medicine or prescription for medicine given to the sexual contact by the patient should not be taken by the contact if the contact is pregnant, in which case the sexual contact should be examined by a prenatal care health care provider.

4. Additionally, any pharmacist licensed to practice pharmacy in this state may recognize a prescription authorized by this section as valid, notwithstanding any other provision of law or administrative rule to the contrary.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1214 (June 2002), amended LR 35:249 (February 2009).

**§119. Duty of Custodians of Medical Records  
[formerly paragraph 2:012]**

A. Custodians of medical records on patients known or suspected of being cases or carriers of a communicable disease, shall make such records available for review by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(10).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1215 (June 2002).

**§121. Special Tuberculosis Control Measures  
[formerly paragraph 2:014-1 and Appendix A]**

A. Louisiana is changing its method of treating tuberculosis due to recent recommendations of the federal Centers for Disease Control and Prevention as set forth in its Morbidity and Mortality Weekly Report, Volume 42, Issue RR-7, dated May 21, 1993. These new and revised recommendations have become necessary because the majority of tuberculosis patients on daily self-administered medications do not comply with a full course of therapy which leads to drug resistance and secondary spread of the disease.

B. This Section contains a step-wise approach for encouraging compliance with treatment and for managing the non-compliant patient. The steps in the process begin with a voluntary patient compliance agreement, meant to spell out the time and place of directly-observed therapy negotiated between the healthcare provider and the patient and to inform the patient of the possible consequences of non-compliance with the course of therapy.

C. If the patient does not comply with the terms of this agreement, a quarantine order for directly-observed therapy follows. This order from the state health officer or his designee reinforces the need for compliance with therapy.

D. If the patient continues to be uncooperative, the state health officer or his designee may issue a formal quarantine order for hospitalization. This assigns the patient to a specific hospital facility for care of tuberculosis as an inpatient, with detailed warning of the consequences of non-compliance with therapy. It is to be noted that the patient must agree to be transported to the selected hospital facility, and to further comply with the quarantine order to remain in the hospital until his/her condition improves, and the patient may be discharged and placed under a new quarantine order for continued directly observed therapy treatment, as needed, outside of the hospital facility's restrictive environment.

E. In certain cases, where the OPH disease intervention specialist and supervisor anticipate that a given uncooperative patient will refuse to be voluntarily transported to a hospital facility under a formal quarantine order for hospitalization, the state health officer may authorize and instruct the OPH disease intervention specialist supervisor or other appropriate OPH official, to fill out a request for a court order for hospitalization, and present it to the district attorney in the parish wherein the patient is known to be situated. (In rare instances, the district attorney may see that criminal charges for violation(s) of the quarantine order for directly observed therapy are filed at this point, instead of the OPH requested civil court order).

F. It is hoped that in most instances of initial non-compliance with the required treatment, an uncooperative patient will agree to be transported to a specific hospital facility for inpatient care under a formal quarantine order issued by the state health officer or his designee, without court intervention.

G. In the event a patient under a formal quarantine order for hospital care becomes uncooperative within the hospital facility's restrictive environment, or a patient continues to be non-compliant with therapy after isolation/quarantine by a civil court order, the hospital facility or state health officer may seek to have criminal charges filed pursuant to R.S. 40:6.B, and upon conviction, the patient may be sentenced to the hospital unit of a state prison and placed in the custody of the Department of Corrections.

H. This Section contains suggested forms with instructions for the steps prior to the filing of criminal charges.

I. Louisiana is following the recommendations of the federal Centers for Disease Control and Prevention by placing all tuberculosis patients initially under a voluntary program of "Directly Observed Therapy" pursuant to a "Patient Compliance Agreement" signed by the patient. A sample "Patient Compliance Agreement" form follows:

J. Tuberculosis Control Sample Form 1

**VOLUNTARY PATIENT COMPLIANCE AGREEMENT**

Plan of therapy for \_\_\_\_\_  
Full Name

Date \_\_\_\_\_

Date of birth \_\_\_\_\_ Social Security # \_\_\_\_\_

Whose residence is \_\_\_\_\_

Parish \_\_\_\_\_ Date this regimen begins \_\_\_\_\_

For the Patient: NOTE: All statements are to be read to patient  
(or patient may read).

1. You are being treated for suspected tuberculosis; therefore, it is essential that you take your medication.
2. To avoid long-term isolation or quarantine, you will be expected to follow your drug therapy schedule. No dose of medication is to be missed.
3. State law requires that the Office of Public Health assist you in controlling your disease. The only way to cure your disease is by regular use of drug therapy.
4. The following therapy schedule requires that you report to \_\_\_\_\_ on \_\_\_\_\_, at \_\_\_\_\_ o'clock to receive your medications under supervision. The staff will work with you in arranging special schedules for your therapy as necessary. You will be expected to call and report any difficulties in keeping your appointments.
5. Failure to comply with these guidelines may result in quarantine, involuntary confinement to a hospital or possible criminal charges for violations of quarantine.

(If patient states any barriers to compliance, list them here.)

I agree that I understand the above therapy schedule and will make every effort to comply with the full course of my therapy.

Patient's Signature \_\_\_\_\_

Date \_\_\_\_\_  
Public Health Nurse or Disease Inter. Spec.

Copy received by patient \_\_\_\_\_  
Patient Initials

**SCHEDULE CHANGES**

New schedule \_\_\_\_\_

Medical Reason/Other \_\_\_\_\_

Patient Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature Public Health Nurse or Disease Intervention Specialist

Copy to patient \_\_\_\_\_  
Patient Initials

K. In the event a particular tuberculosis patient fails to cooperate, as evidenced (for example) by failing to voluntarily appear timely at the place that was agreed upon in the patient compliance agreement to take the required drugs, or otherwise interrupts and/or stops taking the anti-tuberculosis medication as prescribed, it may become necessary to issue a formal public health isolation or quarantine order to "Directly Observed Therapy" (DOT) means drugs taken in the presence of a designated health care provider at a specified place. In such cases, the patient is fully informed that a violation of the terms of the isolation or quarantine order to DOT may result in orders issued by the state health officer or his designee or agent, or by an order from a Louisiana court of competent jurisdiction, to a more restrictive environment for the management of uncooperative tuberculosis patients. A sample of a public health isolation or quarantine order to DOT follows:

L. TB Control Form 2 is a sample letter to hand deliver a quarantine order for directly observed therapy.

\_\_\_\_\_  
\_\_\_\_\_, LA 70 \_\_\_\_\_

RE: Quarantine Order for Directly Observed Therapy

Dear \_\_\_\_\_:

This is to inform you that you are under quarantine to prevent the spread of your tuberculosis infection. The circumstances necessitating the specific terms of your quarantine are as follows:

1. You have been diagnosed as having active pulmonary tuberculosis, which could be spread to others when you cough.
2. You were diagnosed with pulmonary tuberculosis in \_\_\_\_\_, and had a positive sputum smear and culture for M. tuberculosis, which showed sensitivity to \_\_\_\_\_.
3. You have failed voluntary Directly Observed Therapy, as evidenced by \_\_\_\_\_.

In order to protect the public from further unwarranted exposure to your infection, you are required to fully comply with these terms of your quarantine:

1. You will be placed on mandatory Directly Observed Therapy by the regional chest clinician in \_\_\_\_\_. This regimen will require medications administered at the \_\_\_\_\_ Parish Health Unit. This therapy will continue until the state health officer determines that you are no longer likely to transmit your infection to others and have completed an adequate therapy regimen.
2. You will comply and cooperate fully with the treatment regimen prescribed for you.
3. Failure to comply with mandatory Directly Observed Therapy on an outpatient basis may require subsequent legal action. Failure for the purposes of this quarantine is defined as missing one or more doses of therapy during one month. This order will remain in force until the order is revoked or revised by the authority of the state health officer.

In view of the risk to the public health which would result from failure to keep your tuberculosis infection under control, any violation of the specified terms of your quarantine may force us to bring immediate action against you in court.

Please signify your intention to comply with the terms of this order by signing the Statement of Intention which is attached. Return the statement to me through the officer who delivers it to you.

I sincerely hope that you will have a rapid and uneventful recovery and that your tuberculosis can be classed as inactive before very long.

\_\_\_\_\_, M.D.  
State Health Officer

M. Tuberculosis Control Form 3 is an attachment to Form 2 to be hand delivered to the patient.

**STATEMENT OF INTENTION TO COMPLY**

I, \_\_\_\_\_, have read the terms of my quarantine for control of tuberculosis, or have had them read to me. I have had a chance to ask questions about the terms of my quarantine and am satisfied that I understand them. For my own protection and the protection of the public, I agree to comply fully with the specified terms of my quarantine.

\_\_\_\_\_  
(Signature) Date

WITNESSES: \_\_\_\_\_  
(Signature) (Signature)  
\_\_\_\_\_  
(Print Name) (Print Name)

cc:  
State Health Officer

EXECUTIVE OFFICER, ADMINISTRATION

PUBLIC HEALTH—SANITARY CODE

DHH OFFICE OF PUBLIC HEALTH
TUBERCULOSIS CONTROL SECTION
DHH OFFICE OF PUBLIC HEALTH
BUREAU OF LEGAL SERVICES
DEPARTMENT OF HEALTH AND HOSPITALS
REGION \_\_\_ DIS SUPERVISOR 1
DHH OFFICE OF PUBLIC HEALTH
\_\_\_\_\_ PARISH HEALTH UNIT
DISTRICT ATTORNEY \_\_\_\_\_ PARISH
SHERIFF, \_\_\_\_\_ PARISH

N. A tuberculosis patient with a diagnosis of active tuberculosis who fails to comply with a public health isolation or quarantine order to directly observed therapy may be ordered to a more restrictive environment for the management of uncooperative tuberculosis patients, or by requesting a Louisiana court of competent jurisdiction for the issuance of an order placing the patient in a more restrictive environment. A sample of the state health officer's isolation or quarantine order to a more restrictive environment follows, along with a sample request for a court order.

O. TB Control Form 4 is a sample quarantine order (by the state health officer) for hospitalization

SAMPLE QUARANTINE ORDER FOR HOSPITALIZATION

Date \_\_\_\_\_

\_\_\_\_\_, LA 70 \_\_

RE: Quarantine Order for Directly Observed Therapy

Dear \_\_\_\_\_:

This is to inform you that you are under quarantine to prevent the spread of your tuberculosis infection. The circumstances necessitating the specific terms of your quarantine are as follows:

- 1. You have been diagnosed as having active pulmonary tuberculosis, which could be spread to others when you cough.
2. You were diagnosed with pulmonary tuberculosis on \_\_\_\_\_, and had a positive sputum smear and culture for M. tuberculosis, which showed resistance to \_\_\_\_\_.
3. You failed to comply with your prescribed therapy and failed mandatory Directly Observed Therapy under quarantine, as evidenced by \_\_\_\_\_.

In order to protect the public from further unwarranted exposure to your infection, you are required to fully comply with these terms of your quarantine for hospitalization:

- 1. You have been placed on treatment for tuberculosis and will remain hospitalized with subsequent transfer to Villa Feliciana Chronic Disease Hospital and Rehabilitation Center.
2. You will comply and cooperate fully with the treatment regimen prescribed for you.
3. Failure to comply with this order for you to remain hospitalized may result in CRIMINAL CHARGES filed against you and a warrant for your arrest. The CRIMINAL CHARGE would be a violation of your Tuberculosis Quarantine Order, R.S. 40:6.B. Upon trial, if convicted of this charge, you may be sentenced to the hospital unit of a state prison operated by the Department of Corrections. Please be guided accordingly.

This formal quarantine order will remain in force until the order is revoked or revised by the state health officer.

In view of the risk to the public health which would result from failure to keep your tuberculosis infection under control, any violation of the

specified terms of your quarantine will force us to bring immediate action against you in court.

Please signify your intention to comply with terms of this order by signing the Statement of Intention which is attached. Return the Statement to me through the officer who delivers it to you.

I sincerely hope that you will have a rapid and uneventful recovery and that your tuberculosis can be classed as inactive before very long.

\_\_\_\_\_, M.D.
State Health Officer

P. TB Control Form 5 is a statement of intention to comply with the state health officer's quarantine order for hospitalization.

STATEMENT OF INTENTION TO COMPLY

I, \_\_\_\_\_, have read the terms of my quarantine for control of tuberculosis, or have had them read to me. I have had a chance to ask questions about the terms of my quarantine and am satisfied that I understand them. For my own protection and the protection of the public, I agree to comply fully with the specified terms of my quarantine. I also expressly understand that if I violate the terms of this quarantine order, I may be charged with a CRIME and can be SENTENCED TO PRISON.

(Signature) (Date)

\_\_\_\_\_  
(Signature) Date

WITNESSES: \_\_\_\_\_ (Signature) \_\_\_\_\_ (Signature)
(Print Name) (Print Name)

cc:
state health officer

EXECUTIVE OFFICER, ADMINISTRATION
DHH OFFICE OF PUBLIC HEALTH

TUBERCULOSIS CONTROL SECTION
DHH OFFICE OF PUBLIC HEALTH

BUREAU OF LEGAL SERVICES
DEPARTMENT OF HEALTH AND HOSPITALS

REGION II DIS SUPERVISOR
DHH OFFICE OF PUBLIC HEALTH
DISTRICT ATTORNEY \_\_\_\_\_ PARISH

SHERIFF, \_\_\_\_\_ PARISH

L S U UNIT, EARL K. LONG HOSPITAL
\_\_\_\_\_ PARISH HEALTH UNIT

Q. The following "format" may be used by the district attorney when the state health officer or his designee or agent requests help in handling an uncooperative person known to have active, infectious tuberculosis. The district attorney may substitute any "format" of his/her preference, however. The general intent here is to provide the OPH disease intervention specialist supervisors (who will be the state health officer's designee in most cases) with an instrument to complete and submit to the district attorney when a particular TB patient shows no intent to cooperate. The "format" of the instrument itself may have to be altered so as to present the facts of a particular case accurately.

R. Tuberculosis Control Form 6

SAMPLE REQUEST FOR A COURT ORDER FOR HOSPITALIZATION

IN RE: 1 \_\_\_\_\_
NO. 2 \_\_\_\_\_

\_\_\_\_\_ 3 JUDICIAL DISTRICT COURT PARISH OF \_\_\_\_\_ 4  
FILED: \_\_\_\_\_ 5 \_\_\_\_\_ 6

\_\_\_\_\_ 12

DEPUTY

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ 13 DAY OF \_\_\_\_\_, 14 20\_\_\_\_. 15  
\_\_\_\_\_ 16

NOTARY PUBLIC

**REQUEST FOR AN EMERGENCY PUBLIC HEALTH ORDER  
TO ISOLATE/QUARANTINE A TUBERCULOSIS PATIENT  
TO PROTECT THE PUBLIC HEALTH AND THE PATIENT**

T. TB Control Form 6 (continued)

ON THE MOTION OF \_\_\_\_\_, 7

a Disease Intervention Specialist Supervisor employed by the Office of Public Health of the Department of Health and Hospitals of the State of Louisiana and duly designated to act in these premises by the state health officer, appearing herein through the undersigned Assistant District Attorney, and moves pursuant to the provisions of LSA-R.S. 40:3, 40:4A(13), 40:4B(4), 40:5(1), 40:6.C and 40:17, and further pursuant to Sections 117- 119.F of Chapter 1 of Part II of the state sanitary code, and respectfully suggests to the Court that:

I. \_\_\_\_\_, 1 to the best of my knowledge and belief is an imminent danger and/or threat to the health and/or lives of individuals in this parish and state and is now in need of immediate medical examination and treatment in a restricted environment in order to protect the individuals of this parish and state as well as the subject individual person from physical harm and/or from spreading active and infectious tuberculosis.

II. \_\_\_\_\_ 1 is known to be located at \_\_\_\_\_, 8 and has been encouraged to voluntarily submit to necessary medical examination and to seek and receive necessary treatment, but is unwilling and uncooperative in these regards.

III. Mover has contacted \_\_\_\_\_, 9 concerning the danger and/or imminent threat posed by the subject individual, \_\_\_\_\_ 1, and is informed that \_\_\_\_\_ 9 is prepared to receive the patient and provide housing in a restrictive environment allowing immediate examination and care for tuberculosis and the said facility is further prepared to provide any necessary anti-tuberculosis medication.

IV. Mover asserts that the imminent danger and/or threat to the public health is based on mover's knowledge that \_\_\_\_\_ 1 is infected with active, infectious tuberculosis as evidenced by \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ 10

WHEREFORE, mover prays that an emergency public health order be issued to locate, detain and transport \_\_\_\_\_ 1 to \_\_\_\_\_ 9 without delay.

Respectfully submitted,  
\_\_\_\_\_  
Assistant District Attorney  
\_\_\_\_\_ 3 Judicial District

S. TB Control Form 6 (continued)

**AFFIDAVIT**

STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_ 4

BEFORE ME, the undersigned authority, personally came and appeared \_\_\_\_\_, 7 who, being first duly sworn, deposed: That \_\_\_\_\_ 11 is the Disease Intervention Specialist Supervisor employed by the Office of Public Health of the Department of Health and Hospitals in the regional area including \_\_\_\_\_, 4 and \_\_\_\_\_ 11 is the mover in the above and foregoing motion, and that all of the allegations of fact made therein are true and correct to the best of mover's knowledge, information and belief.

**ORDER**

IT IS ORDERED, ADJUDGED AND DECREED that \_\_\_\_\_ 1 be detained and placed in the protective custody of a law enforcement officer and transported to the 9 for such medical examinations, testing and treatment for active and infectious tuberculosis and be detained at that facility until the existing imminent danger and/or threat to the public health has subsided.

IT IS FURTHER ORDERED that any law enforcement officer may execute this order by detaining and transporting \_\_\_\_\_ 1 to the designated treatment facility named above without delay.

JUDGEMENT read, rendered and signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, at \_\_\_\_\_, Louisiana.

\_\_\_\_\_  
JUDGE  
\_\_\_\_\_  
JUDICIAL DISTRICT COURT  
PARISH OF \_\_\_\_\_

U. TB Control Form 6 Instructions

**SUBSTITUTE FOR NUMBERS IN ABOVE FORM**

1. Name of the person in need of treatment.
2. Court personnel will complete this item.
3. District Attorney's office will complete this item.
4. District Attorney's office will complete this item.
5. Court personnel will complete this item.
6. Court personnel will complete this item.
7. Insert the name of the Disease Intervention Specialist Supervisor who is submitting the matter to the District Attorney's office.
8. Insert the person in need of treatment's complete address (which may be in care of a relative's address, or even a "halfway house" or possibly the person may be a patient in a hospital refusing treatment and demanding discharge. Just try to insert sufficient information to enable the deputy sheriff or other law enforcement officer to find and take the party into protective custody, etc.)
9. Insert the name of the physician or administrator and the name and address of the designated TB treatment facility.
10. Here it will be necessary for a concise statement of the problem presented by the TB patient whose condition is diagnosed as active and infectious TB.
11. Insert "he" or "she."
12. The Disease Intervention Specialist Supervisor must sign his or her name exactly as it appears in the form above, and this should be done in the presence of a Notary, who may also be the Assistant District Attorney who will handle the case in court.
- 13-16 will be completed by the District Attorney's office.

V. A tuberculosis patient who has been ordered to be isolated or quarantined to a more restrictive environment than directly observed therapy and who fails to comply with the express terms and provisions of the isolation/quarantine order to a more restrictive environment issued by the state health officer or his designee, or by the orders of a Louisiana court of competent jurisdiction, shall be considered as having violated the provisions of the state sanitary code and

be subject to criminal prosecution pursuant to R.S. 40:6.B, and if so charged and convicted, further subject to being sentenced to the hospital unit of a state prison operated by the Department of Corrections, and to remain so confined so long as the prisoner's tuberculosis condition is active, in order to assure the public is protected from unwarranted exposure to the disease.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2)(c)(vii)(aa)-(cc), R.S. 40:5(1) and R.S. 40:1161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1215 (June 2002).

**§123. Ventilation Requirements for Housing TB Patients in Hospitals and Nursing Homes [formerly paragraph 2:014-2]**

A. Persons with tuberculosis in a communicable state or suspected of having tuberculosis in a communicable state who are cared for in hospitals and nursing homes shall be cared for in rooms with negative air pressure and either:

1. at least six changes of room air per hour accomplished by exhaust ventilation; or

2. equivalent circulation and treatment by ultraviolet light treatment, "air scrubber," or equivalent. If the patient is not in a room with proper ventilation and is unable or unwilling to cover his/her cough, then exposed persons shall wear proper masks, which filter all particles larger than one micron, in order to prevent the spread of infectious respiratory droplets.

B. [Formerly paragraph 2:014-3] Rooms used for aerosolized pentamidine treatments or for aerosol treatments designed to induce sputum shall have negative air pressure and at least six changes of room air per hour accomplished by exhaust ventilation.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2)(c)(ii),(iii) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1219 (June 2002).

### Chapter 3. Testing of Newborn Infants

**§301. Measures to Prevent Ophthalmia Neonatorum at Time of Birth of an Infant [formerly paragraph 2:020]**

A. It shall be the duty of the attending physician, midwife, nurse or other person in attendance on a parturient person to use prophylactic measures at the time of delivery to prevent ophthalmia neonatorum, such as the instillation into both eyes of the newborn a 1 percent solution of nitrate of silver, a 1/2 percent erythromycin ophthalmic ointment or drops, a 1 percent tetracycline ophthalmic ointment or drops, all in single dose or single use containers, or an equally efficient agent, as determined by the state health officer. This duty is waived if the newborn has no evidence of ophthalmia neonatorum and the mother of the newborn states in writing

that she objects to the application of such prophylactic agent on religious ground.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2), R.S. 40:5 and R.S. 40:1102-1106.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1219 (June 2002).

### Chapter 5. Health Examinations for Employees, Volunteers and Patients at Certain Medical and Residential Facilities

**§501. Employee Health [formerly paragraph 2:021]**

A. The requirements of Part I, Chapter 1, §117 shall be met.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1219 (June 2002).

**§503. Mandatory Tuberculosis Testing**

A. [Formerly paragraph 2:022] All persons prior to or at the time of employment at any medical or 24-hour residential facility requiring licensing by the Department of Health and Hospitals or at any Department of Health and Hospitals, Office of Public Health parish health unit or Department of Public Health and Hospitals, Office of Public Health out-patient health care facility or any person prior to or at the time of commencing volunteer work involving direct patient care at any medical or 24-hour residential facility requiring licensing by the Department of Health and Hospitals or at any Department of Health and Hospitals, Office of Public Health parish health unit or Department of Public Health and Hospitals, Office of Public Health out-patient health care facility shall be free of tuberculosis in a communicable state as evidenced by either:

1. a negative purified protein derivative skin test for tuberculosis, five tuberculin unit strength, given by the Mantoux method or a blood assay for *Mycobacterium tuberculosis* approved by the United States Food and Drug Administration;

2. a normal chest X-ray, if the skin test or a blood assay for *Mycobacterium tuberculosis* approved by the United States Food and Drug Administration; is positive; or

3. a statement from a licensed physician certifying that the individual is non-infectious if the X-ray is other than normal. The individual shall not be denied access to work solely on the basis of being infected with tuberculosis, provided the infection is not communicable.

B. [Formerly paragraph 2:023] Any employee or volunteer at any medical or 24-hour residential facility requiring licensing by the Department of Health and Hospitals or at any Department of Health and Hospitals, Office of Public Health parish health unit or Department of Public Health and Hospitals, Office of Public Health out-