

David Berger, City Solicitor, Law Department
Room 703, City Hall Annex
Charles A. Baker, Commissioner of Records
Room 156, City Hall
Amendments to Regulations Governing Isolation for Tuberculosis
in its Communicable Stage, Health Code, Section 6-502 (2d4)

May 25, 1960

Above regulations have been on file in the Department of Records since April 25, 1960.

The above regulations were advertised in the local newspapers on April 27, 1960.

Since no inquiries were received as a result of this advertising, the regulations, having been on file for the required thirty days, are now in effect.

CAB:cad

cc: Henry V. Walkowiak, Secretary to the Board of Health
Isador Kranzel, Assistant City Solicitor



Memorandum

TO : Henry V. Walkowiak, Sec'y to Board of Health DATE: 4/20/60

FROM : Isador Kranzel, Assistant City Solicitor *IK*

SUBJECT: AMENDMENT TO REGULATIONS GOVERNING ISOLATION FOR
TUBERCULOSIS IN ITS COMMUNICABLE STAGE.

In accordance with Section 8-407 of the Philadelphia Home Rule Charter I hereby approve the new Regulation 2(d) of the Regulations Governing Isolation for Tuberculosis in its Communicable Stage.

Regulation 2(d) will now read:

"The order for seizure, when given to the Chief of the Tuberculosis Section will be transferred to a Communicable Disease Investigator, who, upon locating the patient, will take the patient into custody and arrange for the immediate transfer of such patient to the designated hospital facility."

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IK/mbg

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH

APR 13 1960

~~Proposed~~ Amendment to Regulations Governing Isolation
for Tuberculosis in its Communicable Stage

Section 2(d) which reads:

(d)The order for seizure will be given to the Chief of the Tuberculosis Section for referral to a Communicable Disease Investigator, who, upon locating the patient, will call the nearest district police station for assistance in enforcing the taking into custody of the patient, and the immediate transfer of such patient to the designated hospital facility.

is amended to read:

(d)The order for seizure, when given to the Chief of the Tuberculosis Section will be transferred to a Communicable Disease Investigator, who, upon locating the patient, will take the patient into custody and arrange for the immediate transfer of such patient to the designated hospital facility.

RECEIVED

APR 25 12 51 PM '60

DEPT. OF RECORDS
PHILADELPHIA

OFFICE OF THE HEALTH COMMISSIONER
DEPARTMENT OF PUBLIC HEALTH

PHILADELPHIA CODE
HEALTH CODE
NO DUPLICATE SPACE

THE PHILADELPHIA CODE
TITLE 6--HEALTH CODE

Section 6-204 Quarantine and Isolation

- (1) The Department may order the isolation of any person found by the attending physician, osteopath, or by the Department to have any disease listed by the Board as a quarantinable disease in the place, for such period and in such manner as the Board may by regulation prescribe in order to protect public health and to prevent the spread of such disease.
- (2) The Department may order the quarantine of any person who is reasonably suspected of having or being exposed to any disease listed by the Board as a quarantinable disease in the place and in such manner as the Board may by regulation prescribe in order to protect the public health and prevent the spread of such disease, but such quarantine shall continue only until such time as a prompt and timely determination is made with the approval of the Department whether any person so quarantined does in fact have or is exposed to any such disease.
- (3) The Department may order the isolation of any person found by the attending physician, osteopath, or by the Department to be a carrier of any disease listed by the Board as a quarantinable disease in the place, for such period and in such manner as the Board may by regulation prescribe in order to prevent the spread of disease through such carriers.

Section 6-502 Orders

- (1) Except as otherwise provided and subject to the provisions of the Charter, whenever the Department determines that the Health Code or the regulations adopted under it require any action or forbearance from any action to be effected by order, it shall make an order requiring such action or forbearance.
- (2) All such orders shall be in writing and shall be served on the person from whom action, forbearance, or compliance is required except that where the Department finds wilfulness or a menace to public health requiring immediate corrective action such orders may be oral in the first instance.
- (3) Any person to whom such an order is directed or from whom any action, forbearance, or compliance is in any way required shall comply with such order within such period of time as the Department may therein prescribe.
- (4) While an appeal from an order, as hereafter provided, is pending, compliance with such order shall not be required unless the Department finds, and certifies in writing in such order, that immediate compliance is necessary to protect the public health.

Pursuant to Section 5-301(b) of the Home Rule Charter and Sections 6-201(1), (2), (3); 6-502(1), (2), (3), (4) of the Code of General Ordinances of the City of Philadelphia, the following regulations are promulgated by the Board of Health.

1. ISOLATION

- (a) Any person having tuberculosis in its communicable stage shall be isolated.
- (b) Isolation for tuberculosis shall be established at the usual residence of the patient suffering from tuberculosis, whenever facilities for adequate isolation of such infectious patient are available in the home, and where the patient will accept such isolation.
- (c) If voluntary isolation for tuberculosis cannot be accomplished or maintained, then whenever in the opinion of the Commissioner of Health or his authorized medical representative such person is a menace to others by reason of his habits or his neglect of treatment or of the measures designed to protect others from infection, such isolation shall be enforced by removing the patient to an approved institution in the Commonwealth of Pennsylvania.

2. COMPULSORY HOSPITALIZATION

In this regulation, the following procedures apply:

- (a) When, in the opinion of the clinician and nurse assigned to the patient, maximum service has been rendered to induce and enable him to accept voluntary hospitalization, and it has been determined by the district tuberculosis consultant that any one or more of the conditions enumerated under Section (1)(c) "Isolation" exist, a compulsory hospitalization request will be prepared and forwarded to the chief of the Tuberculosis Control Section.
- (b) If this request is approved by the chief of the Tuberculosis Control Section, he will obtain from the Commissioner of Health or his deputy an order for the compulsory isolation of the patient in an approved institution (hospital) for a period of one year, renewable upon request.
- (c) The Commissioner of Health or his deputy will issue an order for compulsory isolation in writing, certifying that the patient is suffering from tuberculosis in a communicable form and that immediate compliance with the order is necessary to protect the public health, and that he is ordered to report immediately to a designated hospital. A copy of the order will be forwarded to the director of the designated hospital.
- (d) The order for seizure will be given to the chief of the Tuberculosis Section for referral to a Communicable Disease Investigator, who, upon locating the patient, will call the nearest district police station for assistance in enforcing the taking into custody of the patient, and the immediate transferral of such patient to the designated hospital facility.

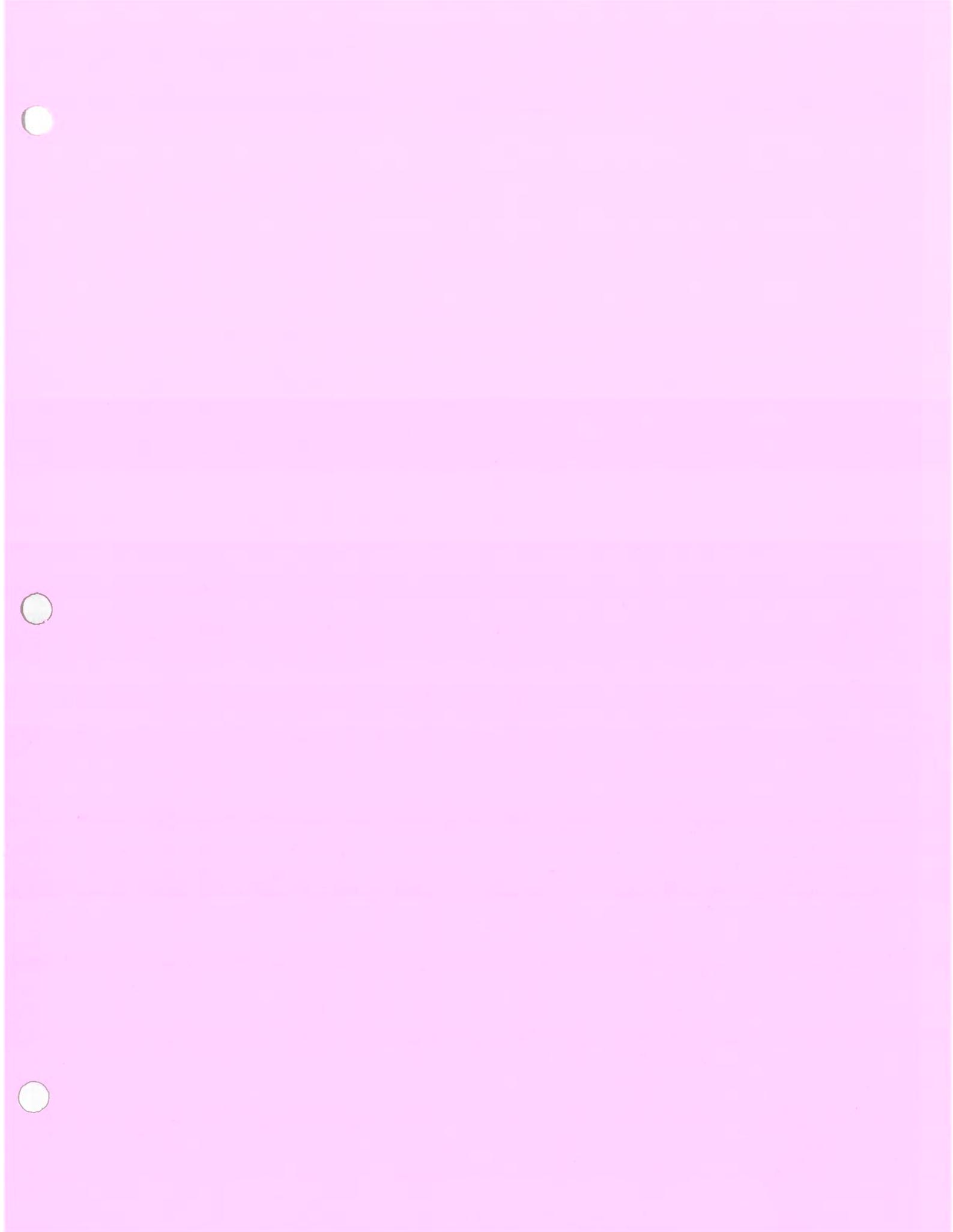
(e) A list of patients to be apprehended will be maintained at the Philadelphia General Hospital by its Executive Director or his duly authorized representative, as well as by the Medical Director of the duly designated facility, upon notification from the Tuberculosis Control Section. Upon such apprehension of a patient, the Communicable Disease Investigator will call the Executive Director or his duly authorized representative at the Philadelphia General Hospital for the dispatch of an ambulance for the immediate transportation of such patient to the security ward of the duly designated facility.

(f) The patient has recourse to the following actions:

(1) He may request in writing an informal hearing before the Commissioner of Health or his deputy, provided such request is made within 20 days of the receipt of the original order for compulsory isolation.

As a result of such a hearing, the Commissioner of Health or his deputy may vacate the order and release the patient, or require continued compliance with the isolation order. During the pendency of appeal the isolation order may be enforced provided the original order contains the certified finding that immediate compliance is necessary to protect the public health.

(2) He may institute habeas corpus proceedings or appeal from the commissioner's order to the courts on a writ of certiorari. Rule 13 of the Pennsylvania Rules of Civil Procedure provides that: "At any time during the pendency of an appeal, upon application of the Appellant and upon due notice to the agency, the court, or a judge thereof, may after hearing, grant an order of supersedeas upon such terms and conditions, including the filing of security, as the court or the judge may prescribe."



February 23, 1960

David Berger, City Solicitor, Law Department
Room 703, City Hall Annex
Charles A. Baker, Commissioner of Records *C.A.B.*
Room 156, City Hall
Department of Health Regulations governing Isolation for
Tuberculosis in its communicable stage, 1. Isolation of
infected patients voluntary or by compulsory isolation,
2. Compulsory Hospitalization, Procedure for enforcing,
and Patients Recourse.

Above regulations have been on file in the Department of Records
since January 21, 1960.

The above regulations were advertised in the local newspapers on
January 23, 1960.

Since no inquiries were received as a result of this advertising,
the regulations, having been on file for the required thirty days,
are now in effect.

CAB:cad

cc: Henry V. Walkowiak, Secretary to the Board of Health
Isador Kranzel, Assistant City Solicitor

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH

REGULATIONS CONCERNING THE ISOLATION OF PERSONS IN THE
COMMUNICABLE STAGES

THE PHILADELPHIA CODE
TITLE 6--HEALTH CODE

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