

# Washington State Tuberculosis Services and Standards Manual

## Chapter 17: Statutes and Regulations



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# **About the Washington State TB Services and Standards Manual**

## **Purpose**

In Washington State, tuberculosis (TB) care and prevention is governed by state law and rule. The purpose of the TB Services and Standards manual is to provide information and guidance to aid local health jurisdictions (LHJs) in fulfilling the requirements detailed in the Revised Code of Washington ([RCW](#)) 70.28.005 and the Washington Administrative Code ([WAC](#)) 246-170. This manual includes information and links to CDC guidelines and TB Centers of Excellence materials with key steps and information needed to fulfill these required TB care and prevention tasks.

## **Audience**

The most likely readers of this manual are people working in the health field. This may include, but is not limited to: nurses, physicians, Health Officers, epidemiologists, disease intervention specialists and outreach workers from local and state TB programs, Indian Health Services, clinics and hospitals.

## **Eliminating Stigmatizing Language**

Judgmental terms and negative connotations of words such as ‘defaulter’ and ‘suspect’ may be perceived to place blame for the disease and responsibility for adverse treatment outcomes on the patient. To assist in implementing a change in the use of stigmatizing language the Heartland TB Center of Excellence, the International Union Against TB and Lung Disease, the National Society of TB Clinicians, the global TB community and the Treatment Action Group developed the [Stop the Stigma: Eliminating Stigmatizing Language](#) reference tool to aid in identifying suggested replacement language as a reminder of how our words may affect others.

Use This....	Not that....	Use This....	Not that....
Adherence / Non-adherence	Compliance / Non-compliance	Undocumented	Illegal; Illegal alien
Person lost to follow up	Defaulter	Person with TB disease	TB case
TB Prevention and Care	TB Control	Treatment failed	Treatment failure
Person to be evaluated for TB	TB Suspect	Missed doses/ Non-adherent	Delinquent
HIV-Positive	HIV-infected	Contact Analysis; Contact Elicitation; Contact Identification	Investigation; Investigate
Immigrant	Alien	Exposed to TB	TB Contact
Lack of housing; Under-housed; People experiencing homelessness	Homeless/ Homelessness	Tuberculosis	Consumption; White Plague

Adapted from: [https://www.heartlandntbc.org/wp-content/uploads/2021/12/FactSheet\\_Final\\_5\\_19\\_16.pdf](https://www.heartlandntbc.org/wp-content/uploads/2021/12/FactSheet_Final_5_19_16.pdf)

Stop TB Partnership’s [Words Matter Language Guide](#) is an additional resource available to encourage positive change, sensitize, promote appropriate language, end the stigmatization, and empower people affected by TB.

# **How to Use This Manual**

## **Icons**

Throughout the manual, these icons quickly cue you about important information and other resources:



This warns about high-consequence information you must understand when performing the task.



This signals when you should call to report or to consult on the task.



This highlights special considerations for pediatric patients.



This suggests another relevant area in the manual or another resource that you may want to review.



This alerts you that a form is available for the task.



# **CHAPTER 17: Statutes and Regulations**

## **Introduction**

### **Purpose**

Use this section to access Washington State statutes and regulations that pertain to the treatment and prevention of tuberculosis (TB) in Washington State.

Knowing these statutes and regulations will assist local TB programs to better understanding their important responsibility to manage and prevent tuberculosis in their community and the legal powers granted by state law to ensure these duties are fulfilled.

The WA DOH TB Program supports the TB recommendations of the CDC. However, when giving guidance to facilities (e.g., occupational health providers) regarding staff and patient/client TB screening requirements LHJs should remember that facilities must fulfill their licensure requirements as stated in the WACs. It will take some time for licensing authorities to consider updating codes related to TB screening and treatment so CDC recommendations and Washington State laws may not always agree. Review the WACs below and contact the individual licensing authority to determine the TB screening requirements needed. For help determining which code or licensing authority a facility operates under, please refer to this [reference guide \(PDF\)](#) or contact the TB Program for assistance.

### **Washington Administrative Code (WAC)**

**Regulations of executive branch agencies are issued by authority of statutes.** Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations and arranges them by subject or agency.

### **Revised Code of Washington (RCW)**

The Revised Code of Washington (RCW) is **the compilation of all permanent laws now in force**. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed.



Call the WA DOH TB Program for consultation regarding state Statutes and Regulations at: 206 418-5500 or email: [tbservices@doh.wa.gov](mailto:tbservices@doh.wa.gov).

# WACs and RCWs Pertaining to TB Treatment and Prevention

## STATE GOVERNMENT-EXECUTIVE

RCW / WAC	TITLE
<b>RCW <a href="#">43.70</a></b>	<b>DEPARTMENT OF HEALTH</b>
<a href="#">43.70.080</a>	Transfer of powers and duties from the department of social and health services.
<a href="#">43.70.515</a>	Foundational public health services—Funding.
<a href="#">43.70.575</a>	Definitions.

## PUBLIC HEALTH AND SAFETY

RCW / WAC	TITLE
<b>RCW <a href="#">70.28</a></b>	<b>CONTROL OF TUBERCULOSIS</b>
<a href="#">70.28.005</a>	Health officials, broad powers to protect public health.
<a href="#">70.28.008</a>	Definitions.
<a href="#">70.28.010</a>	Health care providers required to report cases.
<a href="#">70.28.020</a>	Record of reports.
<a href="#">70.28.025</a>	Secretary's administrative responsibility—Scope.
<a href="#">70.28.031</a>	Powers and duties of health officers.
<a href="#">70.28.032</a>	Due process standards for testing, treating, detaining—Reporting requirements—Training and scope for skin test administration.
<a href="#">70.28.033</a>	Treatment, isolation, or examination order of health officer—Violation—Penalty.
<a href="#">70.28.035</a>	Order of health officer—Refusal to obey—Application for superior court order.
<a href="#">70.28.037</a>	Superior court order for confinement of individuals having active tuberculosis.
<b>RCW <a href="#">70.30</a></b>	<b>TUBERCULOSIS HOSPITALS, FACILITIES, AND FUNDING</b>
<a href="#">70.30.015</a>	Definitions.
<a href="#">70.30.045</a>	Expenditures for tuberculosis control directed—Standards—Payment for treatment.
<a href="#">70.30.055</a>	County budget for tuberculosis facilities.
<a href="#">70.30.061</a>	Admissions to facility.
<a href="#">70.30.081</a>	Annual inspections.
<b>RCW <a href="#">70.40</a></b>	<b>HOSPITAL AND MEDICAL FACILITIES SURVEY AND CONSTRUCTION</b>
<a href="#">70.40.020</a>	Definitions.



## BUSINESSES AND PROFESSIONS

RCW / WAC	Title
RCW <a href="#">18.20</a>	<b>ASSISTED LIVING FACILITIES</b>
<a href="#">18.20.350</a>	Preadmission assessment—Initial resident service plan—Respite care.

## DEPARTMENT OF HEALTH (DOH)

RCW / WAC	Title
WAC <a href="#">246-170</a>	<b>TUBERCULOSIS—PREVENTION, TREATMENT, AND CONTROL</b>
<a href="#">246-170-002</a>	Findings and purpose.
<a href="#">246-170-011</a>	Definitions.
<a href="#">246-170-021</a>	Responsibility of local health officers.
<a href="#">246-170-031</a>	Local health department responsibilities.
<a href="#">246-170-035</a>	Tuberculin skin testing and medication administration training.
<a href="#">246-170-041</a>	Inpatient services requirements.
<a href="#">246-170-051</a>	Procedures for involuntary testing, treatment, and detention.
<a href="#">246-170-055</a>	Due process proceedings.
<a href="#">246-170-061</a>	Initiation of testing or treatment.
<a href="#">246-170-065</a>	Persons already detained, confined, or committed.
WAC <a href="#">256-101</a>	<b>NOTIFIABLE CONDITIONS</b>
<a href="#">246-101-101</a>	Notifiable conditions and the health care provider.
<a href="#">246-101-105</a>	Duties of the health care provider.
<a href="#">246-101-110</a>	Means of notification.
<a href="#">246-101-115</a>	Content of notifications and case reports-Health care providers and health care facilities.
<a href="#">246-101-120</a>	Handling of case reports and medical information.
<a href="#">246-101-201</a>	Notifiable conditions and laboratories.
<a href="#">246-101-301</a>	Notifiable conditions and health care facilities.
WAC <a href="#">246-101</a>	<b>COMMUNICABLE AND CERTAIN OTHER DISEASES</b>
<a href="#">246-100-040</a>	Procedures for isolation or quarantine.
<a href="#">246-100-045</a>	Conditions and principles for isolation or quarantine.
<a href="#">246-100-055</a>	Relief from isolation or quarantine.
<a href="#">246-100-070</a>	Enforcement of local health officer orders.
<a href="#">246-100-211</a>	Tuberculosis.
WAC <a href="#">246-110</a>	<b>CONTAGIOUS DISEASE—SCHOOL DISTRICTS AND CHILDCARE CENTERS</b>
<a href="#">246-110-010</a>	Definitions.

<a href="#">246-110-020</a>	Control of contagious disease.
<b>WAC <a href="#">246-320</a></b>	<b>HOSPITAL LICENSING REGULATIONS</b>
<a href="#">246-320-156</a>	Management of human resources.
<a href="#">246-320-176</a>	Infection control program.
<b>WAC <a href="#">246-322</a></b>	<b>PRIVATE PSYCHIATRIC AND ALCOHOLISM HOSPITALS</b>
<a href="#">246-322-050</a>	Staff.
<a href="#">246-322-190</a>	Provisions for patients with tuberculosis.
<b>WAC <a href="#">246-324</a></b>	<b>PRIVATE ALCOHOL AND CHEMICAL DEPENDENCY HOSPITALS</b>
<a href="#">246-324-050</a>	Staff.
<a href="#">246-324-190</a>	Provisions for patients with tuberculosis.
<b>WAC <a href="#">246-329</a></b>	<b>CHILDBIRTH CENTERS.</b>
<a href="#">246-329-065</a>	New construction – Major alterations.
<a href="#">246-329-110</a>	Personnel policy and procedures and records.
<b>WAC <a href="#">246-330</a></b>	<b>AMBULATORY SURGICAL FACILITIES</b>
<a href="#">246-330-140</a>	Management of human resources.
<b>WAC <a href="#">246-335</a></b>	<b>IN-HOME SERVICES AGENCIES</b>
	<b>HOME CARE AGENCY SERVICES</b>
<a href="#">246-335-425</a>	Personnel, contractor, and volunteer policies.
	<b>HOME HEALTH AGENCY SERVICES</b>
<a href="#">246-335-525</a>	Personnel, contractor, and volunteer policies.
	<b>HOSPICE AGENCY SERVICES</b>
<a href="#">246-335-625</a>	Personnel, contractor, and volunteer policies.
<b>WAC <a href="#">246-337</a></b>	<b>RESIDENTIAL TREATMENT FACILITY</b>
<a href="#">246-337-050</a>	Management of human resources.
<a href="#">246-337-060</a>	Infection control.
<a href="#">246-337-080</a>	Resident care services.
<b>WAC <a href="#">246-845</a></b>	<b>NURSING POOL</b>
<a href="#">246-845-090</a>	Quality assurance standards.

## DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES (DCYF)

RCW / WAC	Title
<b>WAC <a href="#">110-145</a></b>	<b>LICENSING REQUIREMENTS FOR GROUP CARE FACILITIES</b>
	<b>LICENSING PROCESS</b>
<a href="#">110-145-1335</a>	What additional steps must I complete prior to licensing?
	<b>MANAGING RECORDS AND REPORTING</b>
<a href="#">110-145-1510</a>	What personnel records must I keep at my facility?
	<b>ENVIRONMENT, SPACE AND EQUIPMENT</b>
<a href="#">110-145-1635</a>	What are the requirements for the prevention of the spread of infections and communicable disease?
<b>WAC <a href="#">110-147</a></b>	<b>LICENSING REQUIREMENTS FOR CHILD PLACING AGENCY AND ADOPTION SERVICES</b>
	<b>LICENSING PROCESS</b>
<a href="#">110-147-1335</a>	What additional steps must I complete prior to licensing?
	<b>MANAGING RECORDS AND REPORTING</b>
<a href="#">110-147-1520</a>	What personnel records must I keep at my agency?
	<b>ENVIRONMENT, SPACE AND EQUIPMENT</b>
<a href="#">110-147-1560</a>	What are the requirements for the prevention of the spread of infections and communicable disease?
<b>WAC <a href="#">110-148</a></b>	<b>LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES</b>
	<b>LICENSING PROCESS</b>
<a href="#">110-148-1320</a>	When will the department grant me a foster family license?
	<b>HEALTH AND SAFETY</b>
<a href="#">110-148-1505</a>	What must I do to prevent the spread of infections and communicable diseases?
<b>WAC <a href="#">110-300</a></b>	<b>FOUNDATIONAL QUALITY STANDARDS FOR EARLY LEARNING PROGRAMS</b>
	<b>ENVIRONMENT</b>
<a href="#">110-300-0105</a>	Preservice requirements.

## HEALTH CARE AUTHORITY(HCA)

RCW / WAC	Title
<b>WAC <a href="#">182-530</a></b>	<b>PRESCRIPTION DRUGS (OUTPATIENT)</b>
<a href="#">182-530-7400</a>	Reimbursement—Compliance packaging services.
<b>WAC <a href="#">182-538C</a></b>	<b>CRISIS AND NONCRISIS BEHAVIORAL HEALTH SERVICES</b>
<a href="#">182-538C-230</a>	Covered substance use disorder detoxification services.
<b>WAC <a href="#">182-552</a></b>	<b>RESPIRATORY CARE</b>
	<b>CPAP/BI-LEVEL RAD</b>

<a href="#">182-552-0500</a>	Respiratory care—Covered—Bi-level respiratory assist devices and supplies.
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## LABOR AND INDUSTRY(L&I)

RCW / WAC	Title
<b>WAC <a href="#">296-840</a></b>	<b>RESPIRABLE CRYSTALLINE SILICA</b>
<a href="#">296-840-145</a>	Medical surveillance.
<b>WAC <a href="#">296-305</a></b>	<b>SAFETY STANDARDS FOR FIREFIGHTERS</b>
<a href="#">296-305-02501</a>	Emergency medical protection.
<b>WAC <a href="#">296-27</a></b>	<b>RECORDKEEPING AND REPORTING</b>
<a href="#">296-27-01101</a>	Recording criteria.
<a href="#">296-27-01103</a>	Determination of work-relatedness.
<a href="#">296-27-01115</a>	Recording criteria for work-related tuberculosis cases.
<a href="#">296-27-01119</a>	Forms.
<b>WAC <a href="#">296-305</a></b>	<b>SAFETY STANDARDS FOR FIREFIGHTERS</b>
<a href="#">296-305-02501</a>	Emergency medical protection.
<b>WAC <a href="#">296-307</a></b>	<b>SAFETY STANDARDS FOR AGRICULTURE</b>
<a href="#">296-307-60205</a>	Select and provide appropriate respirators.
<a href="#">296-307-62005</a>	Use this medical questionnaire for medical evaluations.
<b>WAC <a href="#">296-842</a></b>	<b>RESPIRATORS</b>
<a href="#">296-842-22005</a>	Use this medical questionnaire for medical evaluations.
<b>WAC <a href="#">363-116</a></b>	<b>PILOTAGE RULES</b>
<a href="#">363-116-120</a>	Job description—Physical examination—Health requirements.

## DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS)

RCW / WAC	Title
<b>WAC <a href="#">388-71</a></b>	<b>HOME AND COMMUNITY SERVICES AND PROGRAMS</b>
	<b>ADULT DAY SERVICES</b>
<a href="#">388-71-0750</a>	What are the adult day center's personnel policies and procedures requirements?
<a href="#">388-71-0760</a>	What are the adult day centers' employee file requirements?
<b>WAC <a href="#">388-76</a></b>	<b>ADULT FAMILY HOME MINIMUM LICENSING REQUIREMENTS</b>
	<b>QUALIFICATIONS OF INDIVIDUALS PROVIDING CARE AND SERVICES</b>
<a href="#">388-76-10130</a>	Qualifications—Provider, entity representative and resident manager.
<a href="#">388-76-10135</a>	Qualifications—Caregiver.
<a href="#">388-76-10140</a>	Qualifications—Students—Volunteers.
	<b>ADMINISTRATION GENERAL</b>

<a href="#">388-76-10198</a>	Adult family home—Personnel records.
	<b>TUBERCULOSIS SCREENING</b>
<a href="#">388-76-10265</a>	Tuberculosis—Testing—Required.
<a href="#">388-76-10270</a>	Tuberculosis—Testing method—Required.
<a href="#">388-76-10275</a>	Tuberculosis—No testing.
<a href="#">388-76-10280</a>	Tuberculosis—One test.
<a href="#">388-76-10285</a>	Tuberculosis—Two step skin testing.
<a href="#">388-76-10290</a>	Tuberculosis—Positive test result.
<a href="#">388-76-10295</a>	Tuberculosis—Negative test result.
<a href="#">388-76-10300</a>	Tuberculosis—Declining a skin test.
<a href="#">388-76-10305</a>	Tuberculosis—Reporting required.
<a href="#">388-76-10310</a>	Tuberculosis—Test records.
<b>WAC <a href="#">388-78A</a></b>	<b>ASSISTED LIVING FACILITY LICENSING RULES</b>
	<b>RESPIRE</b>
<a href="#">388-78A-2206</a>	Respite—Assessment.
	<b>ADMINISTRATION - STAFF</b>
<a href="#">388-78A-2480</a>	Tuberculosis—Testing—Required.
<a href="#">388-78A-2481</a>	Tuberculosis—Testing method—Required.
<a href="#">388-78A-2482</a>	Tuberculosis—No testing.
<a href="#">388-78A-2483</a>	Tuberculosis—One test.
<a href="#">388-78A-2484</a>	Tuberculosis—Two step skin testing.
<a href="#">388-78A-2485</a>	Tuberculosis—Positive test result.
<a href="#">388-78A-2486</a>	Tuberculosis—Negative test result.
<a href="#">388-78A-2487</a>	Tuberculosis—Declining a skin test.
<a href="#">388-78A-2488</a>	Tuberculosis—Reporting—Required.
<a href="#">388-78A-2489</a>	Tuberculosis—Test records.
<b>WAC <a href="#">388-97</a></b>	<b>NURSING HOMES</b>
<a href="#">388-97-1360</a>	Surveillance, management and early identification of individuals with active tuberculosis.
<a href="#">388-97-1380</a>	Tuberculosis—Testing required.
<a href="#">388-97-1400</a>	Tuberculosis—Testing method—Required.
<a href="#">388-97-1440</a>	Tuberculosis—No testing.
<a href="#">388-97-1460</a>	Tuberculosis—One test.
<a href="#">388-97-1480</a>	Tuberculosis—Two-step skin testing.
<a href="#">388-97-1500</a>	Tuberculosis—Positive test result.
<a href="#">388-97-1520</a>	Tuberculosis—Negative test result.

<a href="#">388-97-1540</a>	Tuberculosis—Declining a skin test.
<a href="#">388-97-1560</a>	Tuberculosis—Reporting—Required.
<a href="#">388-97-1580</a>	Tuberculosis—Test records.
<a href="#">388-97-1600</a>	Care of residents with active tuberculosis.
<a href="#">388-97-1880</a>	Short-term care, including respite services and adult day or night care.
<b>WAC <a href="#">388-101D</a></b>	<b>REQUIREMENTS FOR PROVIDERS OF RESIDENTIAL SERVICES AND SUPPORTS</b>
<a href="#">388-101D-0645</a>	What infection control practices must a group training home implement?
<a href="#">388-101D-0650</a>	What must a group training home do to detect and manage tuberculosis?
<a href="#">388-101D-0655</a>	What type of tuberculin test must a group training home employee complete?
<a href="#">388-101D-0660</a>	When is a group training home employee not required to complete a tuberculin test?
<a href="#">388-101D-0665</a>	When must a group training home employee complete a one-step tuberculin test?
<a href="#">388-101D-0670</a>	When must a group training home employee complete a two-step tuberculin test?
<a href="#">388-101D-0675</a>	What happens if a group training home employee receives a positive tuberculin test result?
<a href="#">388-101D-0685</a>	What must a group training home do when a client or employee has tuberculosis symptoms or receives a positive chest X-ray result?
<a href="#">388-101D-0690</a>	What records must a group training home maintain related to tuberculin testing?
<b>WAC <a href="#">388-107</a></b>	<b>LICENSING REQUIREMENTS FOR ENHANCED SERVICES FACILITIES</b>
<a href="#">388-107-0440</a>	Infection control system.
<a href="#">388-107-0450</a>	Early identification and management of individuals with active tuberculosis (TB).
<a href="#">388-107-0460</a>	Tuberculosis (TB)—Testing—Required.
<a href="#">388-107-0465</a>	Tuberculosis (TB) testing method—Required.
<a href="#">388-107-0470</a>	Tuberculosis—No testing.
<a href="#">388-107-0480</a>	Tuberculosis (TB)—One test.
<a href="#">388-107-0490</a>	Tuberculosis (TB)—Two-step skin testing.
<a href="#">388-107-0500</a>	Tuberculosis (TB)—Positive test result.
<a href="#">388-107-0510</a>	Tuberculosis (TB)—Negative test result.
<a href="#">388-107-0520</a>	Tuberculosis (TB)—Declining a TB test.
<a href="#">388-107-0530</a>	Tuberculosis (TB)—Reporting and follow-up—Required.
<a href="#">388-107-0540</a>	Tuberculosis (TB)—Test records.
<a href="#">388-107-0542</a>	Care of residents with tuberculosis (TB).

## SUPERINTENDENT OF PUBLIC INSTRUCTION

RCW / WAC	Title
<b>WAC <a href="#">392-172A</a></b>	<b>PROVISION OF SPECIAL EDUCATION SERVICES</b>
<a href="#">392-172A-01035</a>	Child with a disability or student eligible for special education services.

## INDUSTRIAL INSURANCE

RCW / WAC	Title
RCW <a href="#">51.32</a>	COMPENSATION – RIGHT TO AND AMOUNT
<a href="#">51.32.185</a>	Occupational diseases—Presumption of occupational disease for firefighters and fire investigators—Limitations—Exception—Rules—Advisory committee on occupational disease presumptions.

## Resources

Washington State Department of Health TB Program. **TB Laws and Guidelines**. Available at: <https://doh.wa.gov/you-and-your-family/illness-and-disease-z/tuberculosis-tb/laws-guidelines>. Accessed June 30, 2022.

Washington State Department of Health. **Revised Code of Washington (RCW)**. Available at: <https://app.leg.wa.gov/RCW/default.aspx>. Accessed June 30, 2022.

Washington State Department of Health. **Washington Administrative Code (WAC)**. Available at: <https://apps.leg.wa.gov/WAC/default.aspx>. Accessed June 30, 2022.