

# INSANE, FEEBLEMINDED, TUBERCULAR, BLIND, AND DEAF

## CHAPTER 184

S. B. No. 35

(Legislative Research Committee)

### ADMISSION, CUSTODY AND RELEASE OF PATIENTS AT STATE HOSPITAL

#### AN ACT

Relating to the admission, custody, and release of patients at the state hospital, amending and reenacting section 25-0309 of the North Dakota Revised Code of 1943 and section 25-03071 of the 1953 Supplement to the North Dakota Revised Code of 1943, providing for the admission of alcoholics, drug addicts, and persons suffering from mental illness, and repealing section 25-0308 of the North Dakota Revised Code of 1943.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Application Form For Insanity Board.)** The superintendent of the state hospital shall cause to be prepared and furnished to each insanity board in the state a form of application for admission to the state hospital, which form shall contain such questions as the superintendent shall deem necessary to provide information regarding the patient and the insanity board shall provide answers to such questions to the best of its ability, forwarding a copy of such application when the patient is committed to the state hospital.

**§ 2. Amendment.)** Section 25-0309 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**25-0309. Failure To Furnish Information.)** Failure by the insanity board to inquire fully and report to the superintendent of the state hospital answers required in the application for admission shall be sufficient grounds for refusal to receive such patient at the hospital.

**§ 3. Amendment.)** Section 25-03071 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**25-03071. Voluntary Admission To State Hospital.)** Any person over 16 years of age desiring to receive treatment at

the state hospital may be admitted to such hospital upon his voluntary application, addressed to the superintendent thereof, under such conditions and in such manner as the superintendent may determine. Any person under 16 years of age, if his parent or legal guardian applies in his behalf, may be admitted to such hospital in like manner and upon the same conditions. The superintendent of the state hospital, upon admitting any such person for treatment at the state hospital, shall then detain such person during the time of the treatment as though he had been legally committed. If any such person in writing demands his release, the superintendent may detain such person for seven days after the date of such demand for release. If the superintendent deems such release not to be for the best interest of such person, his family, or the public, he shall, within said seven days, file an application for the legal commitment of such person to the state hospital with the insanity board of the county wherein the state hospital is located. Before admitting any person, as herein provided, the superintendent shall require that such person, his parents or legal guardian shall:

1. Agree to pay all hospital expenses incurred by his treatment and maintenance therein and may require guarantee for such payment; or
2. Furnish to the superintendent an affidavit listing his property and showing in such detail as the superintendent shall require his financial condition and stating that he is unable to pay for such hospital care.

In the event such affidavit of inability to pay shall be filed it shall be the duty of the superintendent to forward a copy thereof to the insanity board of the county wherein such voluntary patient is a resident and it shall thereupon be the duty of such insanity board to determine whether such patient should be discharged from the hospital or should be permitted to remain there at the expense of the county as other patients duly committed are maintained. In the event the insanity board shall direct the discharge of such patient it shall be the duty of the superintendent to discharge such patient from the hospital within three days unless a proper guarantee for payment of his expenses shall be furnished, or the superintendent shall find that such discharge might be dangerous to the patient, or to the public, in which event the superintendent shall cause such patient to be brought before the insanity board of the county of his residence, or the county wherein the state hospital is located. If the insanity board shall approve the retention of such patient his care shall be charged to such county as in other cases.

§ 4. **Alcoholics and Other Patients; Admission.)** Alcoholics and drug addicts may be admitted to the state hospital by voluntary admission under such rules, regulations and limitations as may be promulgated by the superintendent of the state hospital. The word "insane" wherever used in this Act shall be deemed to include alcoholics and drug addicts insofar as the admission, care, treatment and discharge of such patients from the state hospital may be concerned.

§ 5. **Repeal.)** Section 25-0308 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 26, 1955.

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CHAPTER 185

S. B. No. 153  
(Schrock)

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TRANSFER OF PATIENTS FROM STATE HOSPITAL  
TO OTHER INSTITUTIONS

AN ACT

To provide for the transfer of insane persons from the state hospital to other institutions licensed to care for and treat the insane.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Release of Patients To Other Institutions.)** Whenever any public or private institution, licensed by any state for the care and treatment of the insane, shall by agreement with a parent, a brother, a sister, a child of legal age, or guardian of any patient accept such patient for care and treatment, the superintendent of the state hospital for the insane shall release such patient to said institution.

Approved March 5, 1955.

## CHAPTER 186

H. B. No. 828

(Nygaard, Langseth, Dunlop, Rohde, Gefreh, Haugland)

TRANSFER OF CERTAIN TUBERCULAR PERSONS TO THE  
STATE TUBERCULOSIS SANATORIUM OR OTHER INSTITUTION

## AN ACT

To assist in the control of tuberculosis; providing for transfer of tubercular persons committed to or confined in state or county institutions to the state tuberculosis sanatorium or other appropriate institutions.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.) When required for the protection of the public health, the control of tuberculosis, or the protection or treatment of the individual patient, any person committed to or confined in a state or county institution who has active, infectious tuberculosis may be removed from such institution to the state tuberculosis sanatorium or other appropriate institution under the control of the state board of administration. Such transfer may be made in the discretion of the board of administration, if from an institution controlled by such board, or, in the case of transfer from an institution not so controlled, by agreement of the board of administration and the agency responsible for the control of such other institution. If any person, so transferred, is maintained at the expense of the county or other governmental unit or agency, the cost of maintenance in the institution to which he is transferred shall be charged to and collected from such county or other governmental unit or agency.

Approved March 3, 1955.

## CHAPTER 187

H. B. No. 829

(Nygaard, Langseth, Dunlop, Rohde, Gefreh and Haugland)

## COUNTY TUBERCULOSIS BOARDS

## AN ACT

Providing for the control of tuberculosis and protection of public health; creating county tuberculosis boards; authorizing compulsory care, treatment, isolation and quarantine at the state sanatorium or other appropriate institution, and the placing of persons having active, infectious tuberculosis dangerous to public health in the custody of the state board of administration for such purposes; and prescribing procedures.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.) There is hereby established in each county in the state a county tuberculosis board consisting of the county judge, who shall be chairman of such board, a practicing physician, and a practicing attorney. The physician and attorney shall be appointed by the board of county commissioners for terms of two years, respectively, and shall hold office until their successors are appointed and qualified. Each appointive member of the board shall take and file at the office of the county court the oath prescribed for civil officers. The board shall meet at the call of the chairman or of the two appointive members and two members shall constitute a quorum.

§ 2.) In the case of a temporary absence of an appointive member of the county tuberculosis board or of his inability to act, the county judge shall call to his aid a practicing physician or attorney, as the case may be, to replace such member. The person so called in shall qualify and act in the same capacity as a regular member of the board. In the temporary absence from the county of the county judge, or, in the case of his inability to act, the state's attorney shall act as chairman, and in such capacity may exercise all the powers of such chairman. The state's attorney, acting as chairman, shall take the oath required of appointive members.

§ 3.) The county tuberculosis board shall have the power to:

1. Take cognizance of all petitions addressed to it in accordance with the provisions of this Act;
2. Issue subpoenas and compel obedience thereto;
3. Administer oaths; and

4. Do any other acts necessary and proper in the performance of the functions imposed upon it by the provisions of this Act.

§ 4.) Upon report to, or receipt of information by, a local board of health that any person is afflicted with tuberculosis and, as a source of infection endangers other persons, such board shall investigate and if convinced that an active case of infectious tuberculosis endangering other persons exists shall request such person voluntarily to seek admission to the state sanatorium or other appropriate facility for treatment and if such person refuses to accept such admission and treatment shall petition the tuberculosis board of the county where such person is found or resides for an order of admission to such sanatorium or other appropriate facility or institution under the control of the state board of administration and that such person be placed in the custody of the state board of administration for necessary and appropriate care and treatment.

§ 5.) As soon as a petition is filed with the county tuberculosis board, under the provisions of this Act, the board shall investigate the grounds therefor. It may issue its warrant to be served by the sheriff or any constable of the county to compel the attendance of the alleged tubercular person and may provide for suitable custody and care of such person until the investigation is concluded. The board shall hear all relevant testimony for or against the petition and the examination and hearing on the petition shall be in the presence of the alleged tubercular person. Any citizen of the county and any relative of the alleged tubercular person may appear and resist the petition and all parties may be represented by counsel.

§ 6.) The county tuberculosis board shall appoint a practicing physician who may or may not be a member of the board to make a personal examination of the alleged tubercular person and to make such thorough investigation of his condition as will enable the board to determine whether or not such person has active, infectious tuberculosis and is dangerous to the public health.

§ 7.) As soon as practical after the return of the physician's statement to the county tuberculosis board, the board shall conclude its investigation and make its determination. If the board finds that the alleged tubercular person does not have active, infectious tuberculosis and is not dangerous to public health it shall make an order dismissing the cause. If the board finds that the person does have active, infectious tuberculosis and is dangerous to public health it shall determine the legal residence of such person, if the same can be ascertained,

require full and correct answers to be given to a property statement containing the information required under the provisions of chapter 25-03 of the North Dakota Revised Code of 1943 from an applicant for admission to the state hospital, and issue its order and warrant which shall:

1. State the findings of the board that such person does have active, infectious tuberculosis and is dangerous to public health;
2. State the residence of such person, if the same has been ascertained by the board, and if it has not been so ascertained, the information of the board, if any, on the subject; and
3. Authorize the state board of administration to receive and keep such person in its custody for necessary and appropriate care, treatment, quarantine, and isolation at the state sanatorium or other appropriate facility or institution under the control of the board of administration.

§ 8.) The order and warrant of the county tuberculosis board, in duplicate, together with the findings and certificate of the physician and the findings of the board shall be delivered to the sheriff who shall execute the same by conveying the person named therein to the state board of administration at such institution under the control of such board as may be directed by the board of administration and delivering him, together with the findings and certificate of the physician and the findings of the county tuberculosis board and the duplicate of the order and warrant to the superintendent or other officer in charge of such institution. Such officer, over his official signature, shall acknowledge such delivery on the original order and warrant and the sheriff shall return the same to the chairman of the county tuberculosis board.

§ 9.) Each member of the county tuberculosis board, except the county judge, and the state's attorney while acting as chairman of the board if he is not already a member thereof, shall be allowed ten dollars per day for the time actually employed in the duties of his office, and mileage as provided in section 11-1015 of the North Dakota Revised Code of 1943. The sheriff shall be allowed the same mileage for services rendered upon the order of the county tuberculosis board as he is allowed for other like services, except that in conveying persons to a state institution, his mileage shall be as specified in section 11-1525 of the North Dakota Revised Code of 1943. Witnesses before the county tuberculosis board shall be entitled to the same fees as witnesses in the district court. The compensation and expenses mentioned in this section shall

be allowed and paid out of the county treasury in the same manner as other county expenses are paid.

§ 10.) An appeal from an order of the county tuberculosis board authorizing the state board of administration to receive a person in its custody for care, treatment, quarantine and isolation at the sanatorium or other institution may be taken to the district court of the county in the manner provided in chapter 28-32 of the North Dakota Revised Code of 1943. In such a proceeding, the state's attorney of the county wherein the appeal is taken, without additional compensation, shall represent the county tuberculosis board. The clerk of court of the county in which the appeal is taken shall notify the state's attorney of the filing of such appeal.

§ 11.) All persons placed in the custody of the state board of administration under the provisions of this Act for care, treatment, quarantine and isolation shall be entitled to the benefit of the writ of habeas corpus and a determination as to whether a person in such custody has active, infectious tuberculosis and is dangerous to public health shall be made at the hearing. If the court shall decide that the person does have active, infectious tuberculosis and is dangerous to public health, such decision shall not preclude a subsequent application for a writ or the issuing of a writ upon a subsequent application, if it shall be alleged that such person shall have been restored to health.

§ 12.) All orders of county tuberculosis boards authorizing the reception and retention in custody for care, treatment, quarantine and isolation of persons having active and infectious tuberculosis endangering public health shall be effective only during the continuation of such condition and any person who is cured shall be discharged immediately from custody. Such discharge shall be made by the state board of administration or by the superintendent or other officer in charge of the institution in which a person is detained on behalf of the board of administration. The superintendent or other officer in charge of such institution also may parole any person admitted to such institution under the provisions of this Act at such times and under such conditions as deemed advisable.

§ 13.) The state board of administration is hereby authorized and directed to provide adequate and suitable facilities for the care, treatment, quarantine, isolation and detention of persons received into the custody of such board under the provisions of this Act at the state sanatorium or other appropriate facility or institution under the control of the board of administration.

§ 14.) Costs of support, maintenance, care, and treatment of persons admitted to any state institution under the provi-

sions of this Act shall be charged, assessed, and collected in the manner in which such charges, assessments, and collections are made for other patients at the state sanatorium.

§ 15.) The warrant and order of the county tuberculosis board authorizing the admission of any person to the custody of the state board of administration and the reception and detention of such person at a state institution as a patient, accompanied by a physician's certificate as provided in this Act, shall protect the state board of administration and the other officers of the institutions from all liability, civil or criminal, on account of the reception and detention of such person therein. Such detention, however, shall be in accordance with the laws and by-laws regulating the management of the institution.

§ 16.) Any person who shall observe quarantine regulations as established by the board of health shall not be subject to confinement under the provisions of this Act.

§ 17.) Any person having the care of any person admitted to a state institution in accordance with the provisions of this Act and restraining such person, either with or without authority, who shall treat such person with wanton severity, harshness, or cruelty, or who shall abuse such person in any way, shall be guilty of a misdemeanor, and shall be liable in an action for damages.

§ 18.) Nothing in this Act shall require the admission of an enrolled Indian of any reservation in this state to any state institution except upon written request and authorization of the superintendent of the reservation in which said Indian is enrolled, approved by the chairman of the state board of administration.

Approved March 11, 1955.