

**TITLE XIII**  
**CHOCTAW HEALTH CODE**

**CHAPTER 1.**  
**TUBERCULOSIS AND RESPIRATORY DISEASES3**

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## **CHAPTER 1. TUBERCULOSIS AND RESPIRATORY DISEASES**

### **§13-1-1 “Active Tuberculosis” Defined**

For the purposes of §§13-1-1-13-1-6, the words “active tuberculosis” shall be construed to mean that tuberculosis is present in a communicable or infectious stage as established by chest x-ray, laboratory examination of sputum or other fluids, or tissues from the patient or other methods approved by the Chief Medical Officer of the Choctaw Health Center.

### **§13-1-2 Compulsory Commitment of Active Tuberculosis Cases to Hospital**

Any person subject to the court’s jurisdiction who has been diagnosed as having active tuberculosis and who fails or refuses to carry out a treatment regimen outlined to him in writing by the Chief Medical Officer may be committed under duress to the Choctaw Health Center or other hospital under contract so long as his disease is active or until such time as it is believed by the Chief Medical Officer that he will comply with his treatment regimen at home.

### **§13-1-3 Request for Approval of Court Action for Commitment**

When a physician of the Choctaw Health Center deems it is necessary for the protection of the public health for any person subject to the court’s jurisdiction who has active tuberculosis to be committed for treatment under duress and desires to proceed with commitment, he shall present in writing to the Chief Medical Officer at the Choctaw Health Center a request for his approval of court action to required care. Such request shall include the facts which show the necessity of commitment.

### **§13-1-4 Affidavit and Hearing in Choctaw Tribal Court**

Upon approval by the Chief Medical Officer of the Choctaw Health Center, the requesting physician or chief medical officer may make an affidavit and file it with the Clerk of the Choctaw Tribal Court. Such affidavit shall request that such person be adjudged to be suffering from active tuberculosis and that such person be committed to and confined in the Choctaw Health Center or other hospital under contract.

Whenever such affidavit shall be filed with the Clerk of the Choctaw Tribal Court, the said clerk, or the judge of said court, shall issue a citation ordering said person alleged to be suffering from active tuberculosis to appear and show cause why he should not be committed to and confined in a hospital for treatment of tuberculosis. At the same time that the police officer serves the citation he shall deliver to such person a copy of the requesting physician’s or the Chief Medical Officer’s request of approval of contemplated action and a copy of the approval of the action by the Chief Medical Officer of the Choctaw Health Center.

The hearing shall be conducted in open court or at the discretion of the judge in closed session, and the person alleged to be suffering from active tuberculosis shall have the privilege of counsel of his own selection at his own expense. Said hearing shall be held on a day not less than five (5) days from the date of such service of citation; provided, however, that the judge may order the hearing at an earlier day when, in his discretion, he deems such to be in the interest of the public health.

**§13-1-5            Order of Commitment to Hospital**

If at the hearing, the court shall find that the person is suffering from active tuberculosis and that his commitment is in the best interest of the public's health, an order adjudging such fact shall be entered and the clerk shall issue a writ directed to the Choctaw Department of Law Enforcement to deliver such person to the hospital ordered by the court and a police officer shall execute such writ and deliver such person accordingly.

The order of the court shall further provide that such person shall submit to such reasonable rules and regulations as may be found necessary for his treatment and the protection of other persons. The Choctaw Tribal Court shall have continuing jurisdiction of such person until it is determined by the Chief Medical Officer that he no longer threatens the public health and if such person violates any of the provisions of the order of the court, he shall be in contempt.

**§13-1-6            Discharge from Hospital**

With the approval of the Choctaw Tribal Court, the attending physician may discharge such person to home care under supervision of the Choctaw Health Center's Chief Medical Officer.