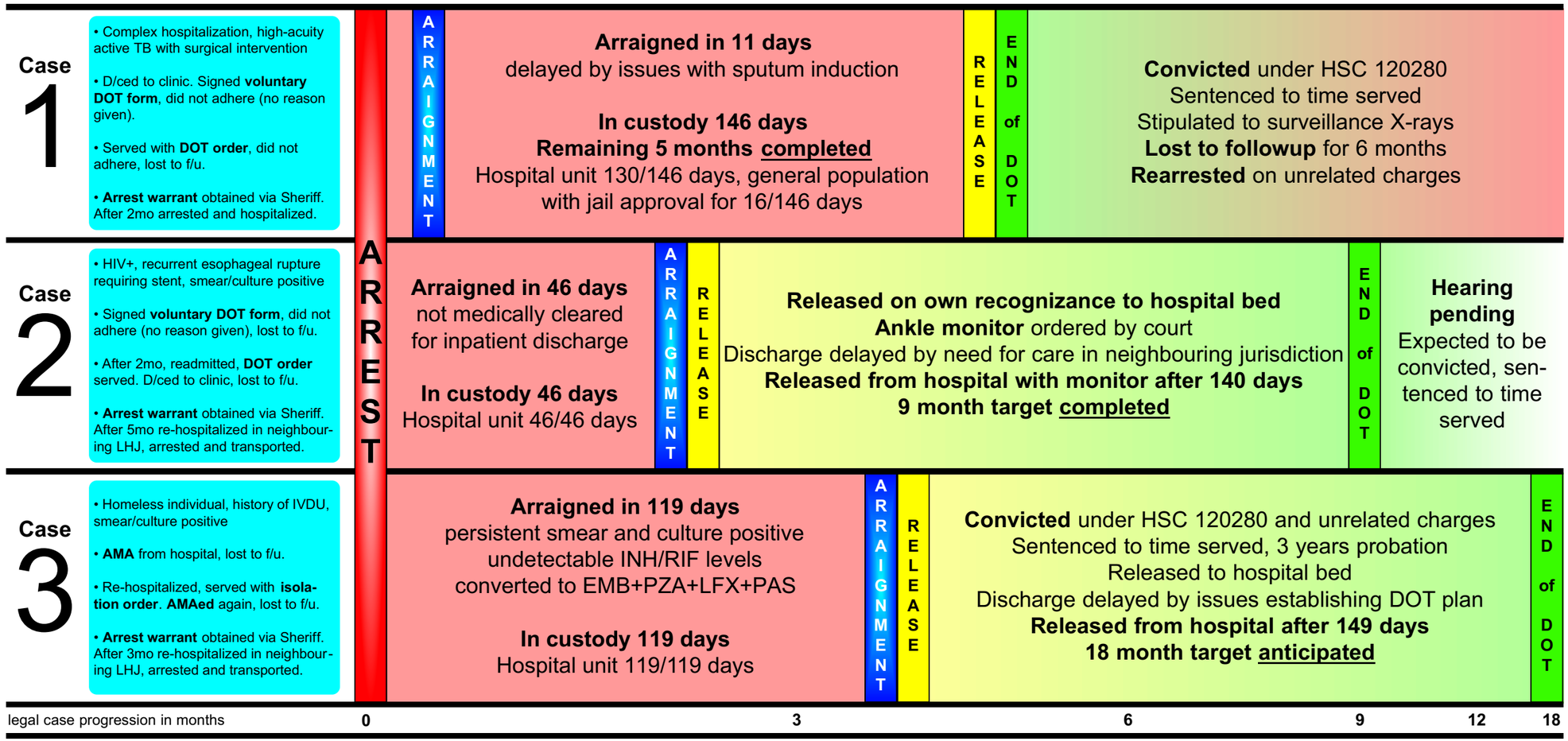
TB and the justice system: three legal cases in Riverside County.

C. Kaiser, MD, MPH; **B. Cole,** RN, PHN, MSN; **J. Saunders,** RN, PHN; **N. Cuaron,** RN, MPH, PHN; **I. Hastings,** RN, PHN; **S. Duran,** RN, PHN

"Protecting the public's health"
DISEASE CONTROL
County of Riverside Department of Public Health

Tuberculosis, along with leprosy, was one of the earliest diseases to be the subject of local regulation and statutes to contain its spread. California's Health and Safety Code makes refusal to adhere to a lawful health officer order of isolation or Directly Observed Therapy a misdemeanor punishable by up to one year in prison. The prosecution of non-adherent active TB cases is a last-resort measure when other, less restrictive measures have failed and civil detention is not feasible or available. We review three recent cases in our county to highlight the lessons we learned during adjudication.



Things We Learned: • TB legal cases are frequently cases of first impression for everyone, judge, deputy DA and public defender alike. As a result, the judge and deputy DA will rely heavily on the medical advice of the health department, and none of these cases was adjudicated in exactly the same way. • We had to do a lot of our own legwork to determine when our cases were on calendar. Keep track of case numbers and learn how to track them through the criminal court calendaring system. • Expect to write a court update for every single time the patient is before the judge. County counsel can help with the proper format. • Arraignment in TB cases may be delayed substantially for medical reasons. Health departments need to be mindful of the patient's right to speedy legal proceedings and balance that against infectiousness. • We have an obligation to protect not only the health of the community, but the human and constitutional rights of the patient. Even when prosecution is necessary, the patient relationship must always be preserved.

Address questions to Cameron Kaiser, MD, MPH `<ckaiser@rivcocha.org>`.