

215.560 Affidavit of failure to comply -- Administrative and judicial action.

- (1) Whenever a person has reasonable cause to suspect that an individual with active tuberculosis has knowingly failed to comply with the provisions of KRS 215.520 to 215.600, the person may file an affidavit with the local health department serving the jurisdiction where the individual resides or where the alleged violation occurred. The affiant shall state the details of the violation as completely and accurately as possible and the local health department shall, with the assistance of the cabinet, if necessary, conduct an appropriate investigation and, if indicated, shall order the violator in writing to submit to the needed precautions, including quarantine, in order to isolate and restrict activities, examination, or treatment. If the local health department determines in the course of providing services that a violation has occurred, it may issue an order regardless of the presence of an affidavit.
- (2) If a person refuses to comply with an order of a local health department pursuant to subsection (1) of this section, the health department shall, if the public health need for intervention still exists, file a verified petition for relief with the District Court in the county of its principal office. The health department shall include all pertinent details in its petition. The defendant shall have the right to be represented by counsel and the case shall be handled in the same manner as a civil case in every other regard. If the court finds from a preponderance of the evidence or upon admission by the defendant that the defendant is in violation of provisions in KRS 215.520 to 215.600, the court shall enter an order that the appropriate precautions, examinations, or treatment be carried out.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 33, sec. 6, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 188, sec. 210, effective July 15, 1980. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 205, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(3). -- Created 1970 Ky. Acts ch. 133, sec. 7.