

State	Stage Of Tuberculosis Treatment	Specific Due Process Protection	Legal Authorities	
VT	Pre- Confinement Measures	<p><i>CLEARLY ARTICULATED STANDARDS:</i></p> <p>Is There A Statutory Definition Of Infectious TB?</p>	<p>Answer</p> <p>No, there is no explicit statutory definition of “infectious TB.”</p>	
			<p>Relevant Statutory Provisions</p> <p>N/A</p>	
			<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p> <p>No, the due process requirements of the Model Act are not met because no such definition of “infectious TB” exists.</p>	
		<p><i>RIGHT TO REFUSE MEDICAL TREATMENT:</i></p> <p>Is There A Statutory Requirement For The Use Of Best Practices For TB Treatment Regardless Of The Infected Individual’s Ability To Pay?</p>	<p>Answer</p> <p>No, there is no explicit statutory requirement for best practices to be employed in the treatment of TB.</p>	
			<p>Relevant Statutory Provisions</p> <p>18 V.S.A. § 1051 → The commissioner shall approve facilities in the state where indigent persons may be treated for tuberculosis under this subchapter. The commissioner and the board of health shall determine to their satisfaction that all such facilities furnish <i>adequate and proper tuberculosis treatment</i> (emphasis added).</p> <p>18 V.S.A. § 1054 → The department shall provide for: (1) Prompt examination of all suspects and contacts; (2) Chemotherapeutic treatment of all active cases attending this clinic; and hospitalization in accordance with [18 V.S.A. §§ 1047-1051] of this title; (3) Chemotherapy for converters and inactive cases; (4) The re-evaluation and re-examination of inactive cases as medically indicated.</p>	
			<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p> <p>No, the due process requirements of the Model Act are not met because no statutory requirements for the use of best practices in the treatment of TB exist. The only relevant statutory provisions [18 V.S.A. § 1051 & 18 V.S.A. § 1054] address treatment for indigent persons and treatment at TB clinics and these statutes do not require the use of best practices in the treatment of TB, only that the treatment for indigent persons be “adequate and proper.”</p>	

VT

<p><i>NOTICE:</i></p> <p>Is There A Statutory Requirement For Culturally, Linguistically, & Educationally Appropriate Communications To Be Used In A Manner That Facilitates An Understanding Of Individual Rights & Responsibilities?</p>	<p>Answer</p>	<p>No, there is no explicit statutory requirement that culturally, linguistically, and educationally appropriate communications with an individual infected with or suspected of having TB be used in a manner that facilitates an understanding of individual rights and responsibilities.</p>
	<p>Relevant Statutory Provisions</p>	<p>N/A</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no statutory provision exists which requires culturally, linguistically, and educationally appropriate communications to be used in a manner that facilitates understanding of individual rights and responsibilities. There is no statutory provision which references the type and nature of the communications to be used with individuals infected with or suspected of having TB, and no provision addresses the individual's understanding of their individual rights and responsibilities.</p>
<p><i>LEAST RESTRICTIVE MEANS:</i></p> <p>Is There A Statutory Requirement That Individuals With TB Are To Be Provided Counseling To Better Inform Them Of Their Options And The Nature Of Their Illness, As Well As The Consequences Of Refusing The Recommended Courses Of Action?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision requiring individuals with TB to be offered counseling in order to better inform them of their options and the nature of their illness, as well as the consequences of refusing the recommended courses of action.</p>
	<p>Relevant Statutory Provisions</p>	<p>18 V.S.A. § 1043 → The board shall . . . adopt and make use of means for educating <i>the people of the state</i> in respect to the causes and nature of these diseases, means for their prevention and treatment, and in respect to the best method of preventing and limiting the prevalence of these diseases. Such educational campaign shall be carried on in such manner as the board deems proper to disseminate the facts in regard to these diseases (emphasis added).</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because the only relevant statutory provision [18 V.S.A. § 1043] requires a general “educational campaign” meant to inform and educate the public en masse, including the healthy majority of the public for whom TB is not an ailment. The requirements of the Model Act call for one-on-one counseling in which the individual with TB is informed of the nature of their illness and the possible examination and treatment procedures that may be individually tailored to their situation, as well as the consequences of refusing such options. The Model Act requires this counseling as the “least restrictive means” that must be implemented before involuntary quarantine and isolation.</p>

	<p><i>NOTICE:</i></p> <p>Is There A Statutory Requirement That A Warning Is To Be Given To Individuals With TB, Or Those Suspected Of Having TB, Allowing Them To Voluntarily Adhere To Examinations Or Treatments And Notifying Them Of The Consequences Of Refusal?</p>	<p>Answer</p>	<p>No, there is no explicit statutory requirement that a warning is to be given to individuals with TB, or those suspected of having TB, allowing them to voluntarily adhere to examinations or treatments and notifying them of the consequences of refusal.</p>
<p>Relevant Statutory Provisions</p>		<p>18 V.S.A. § 1055 → When the commissioner of health has reasonable cause to believe that any person has tuberculosis in an active stage or in a communicable form, he may request the person to undergo an examination at a clinic or hospital approved by the secretary of the agency of human services for that purpose at the expense of the state by a physician qualified in chest diseases. If the person refuses the examination, the commissioner may petition the district court for the district where the person resides for an order requiring the person to submit to examination. When the court finds that there is reasonable cause to believe that the person has tuberculosis in an active stage or in a communicable form, it may order the person to be examined.</p> <p>18 V.S.A. § 1057(a) → When the commissioner of health determines, as a result of an examination as provided by sections 1055 and 1056 of this title, that any person is afflicted with tuberculosis in an active stage and in communicable form to an extent that the person may expose other persons or the public generally to danger of infection, he shall investigate the circumstances thereof and if he finds that the person does constitute a health hazard to the public, he may request the court to order the person to a hospital or other suitable place and require appropriate medical management of the person therein until he determines that the management is no longer necessary . . . Treatment shall not be imposed on any person against his will unless the commissioner determines that the person constitutes a public health hazard without such treatment.</p>	
<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>		<p>No, the due process requirements of the Model Act are not met in regards to the issuance of a warning to an individual allowing for their voluntary submission to a TB examination and the consequences of their refusal to do so. The only statutory provision addressing the voluntary or forced examination of individuals suspected of having TB [18 V.S.A. § 1055] does not require that the individual be notified of the consequences of their refusal to be examined before the examination is forced upon them. The statute also does not define TB which is in an “active stage” or in a “communicable form.”</p> <p>No, the due process requirements of the Model Act are not met in regards to the issuance of a warning to an individual allowing them to voluntarily submit to TB treatment and the consequences of their refusal to do so. The only statutory provision addressing the voluntary or forced treatment of an individual infected with TB [18 V.S.A. § 1057(a)] does not require that the individual be given any warning allowing them to voluntarily submit to the treatment and does not require the individual to be notified of the consequences of their refusal. The statute also does not define TB which is in an “active stage” or in a “communicable form,” and does not define what constitutes a “public health hazard.”</p>	

	<p><i>RIGHT TO REFUSE MEDICAL TREATMENT:</i></p> <p>May A TB Examination Be Forced Upon An Individual?</p>	<p>Answer</p> <p>Yes, a TB examination may be forced upon an individual.</p>
		<p>Relevant Statutory Provisions</p> <p>18 V.S.A. § 1055 → When the commissioner of health has reasonable cause to believe that any person has tuberculosis in an active stage or in a communicable form, he may request the person to undergo an examination at a clinic or hospital approved by the secretary of the agency of human services for that purpose at the expense of the state by a physician qualified in chest diseases. If the person refuses the examination, the commissioner may petition the district court for the district where the person resides for an order requiring the person to submit to examination. When the court finds that there is reasonable cause to believe that the person has tuberculosis in an active stage or in a communicable form, it may order the person to be examined.</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because the relevant statutory provision [18 V.S.A. § 1055] allows for the forced examinations of individuals suspected of having TB. The statute also does not require the individuals to be notified that their refusal of the voluntary examination may result in a forced examination. Furthermore, this statute fails to define tuberculosis in the “active stage” or in a “communicable form,” and thus the statute fails to explicitly define which individuals may be subjected to a forced examination. The statute also does not require the use of the least restrictive means of examination available, i.e. a sputum sample and/or chest X-ray.</p>
	<p><i>RIGHT TO REFUSE MEDICAL TREATMENT:</i></p> <p>May TB Treatment Be Forced Upon An Individual?</p>	<p>Answer</p> <p>Yes, TB treatment may be forced upon an individual.</p>
		<p>Relevant Statutory Provisions</p> <p>18 V.S.A. § 1057(a) → When the commissioner of health determines, as a result of an examination as provided by sections 1055 and 1056 of this title, that any person is afflicted with tuberculosis in an active stage and in communicable form to an extent that the person may expose other persons or the public generally to danger of infection, he shall investigate the circumstances thereof and if he finds that the person does constitute a health hazard to the public, he may request the court to order the person to a hospital or other suitable place and require appropriate medical management of the person therein until he determines that the management is no longer necessary . . . Treatment shall not be imposed on any person against his will unless the commissioner determines that the person constitutes a public health hazard without such treatment.</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because the relevant statutory provision [18 V.S.A. § 1057(a)] allows for TB treatment to be forced upon individuals. The statute also fails to define tuberculosis in the “active stage” or in a “communicable form” and fails to define what constitutes a “public health hazard.” Therefore, the statute fails to explicitly define which individuals may be subjected to forced TB treatment.</p>

State	Stage Of Tuberculosis Treatment	Specific Due Process Protection		Legal Authorities
VT	Quarantine: Temporary Detention	<i>CLEARLY ARTICULATED STANDARDS:</i>	Answer	No, there is no explicit statutory definition of “non-adherence.”
			Relevant Statutory Provisions	N/A
			Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such definition of “non-adherence” exists.
		Is There A Statutory Definition Of Non-Adherence		
		<i>FUNDAMENTAL FAIRNESS:</i>	Answer	No, a court order is not required within a reasonable amount of time in order for the quarantining of an individual to continue.
			Relevant Statutory Provisions	<p>18 V.S.A. § 1004a → The commissioner of health shall have the power to quarantine a person diagnosed or suspected of having a disease dangerous to the public health.</p> <p>18 V.S.A. § 1004 → A physician who knows or suspects that a person whom he has been called to attend is sick or has died of a communicable disease dangerous to the public health shall immediately quarantine and report to the health officer the place where such case exists, but if the attending physician, at the time of his first visit, is unable to make a specific diagnosis, he may quarantine the premises temporarily and until a specific diagnosis is made, and post thereon a card upon which the word "quarantine" should be plainly written or printed. Such quarantine shall continue in force until the health officer examines and quarantines as is provided in this title.</p>
Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because the relevant statutory provisions [18 V.S.A. §§ 1004a & 1004] do not require a court order to be obtained within a limited amount of time in order for the quarantining of the individual to continue. Individual liberties can only be curtailed by a compelling state interest. The quarantining of individuals is a compelling state interest given the potential danger to the public health. However, the relevant provisions do not limit the amount of time an individual may be quarantined, and do not require a court order for the quarantining to continue. Furthermore, the statutes fail to explicitly define what medical situations are considered “dangerous to the public health.”			
Is A Court Order Required Within A Limited Amount Of Time (i.e. 3 days) In Order For The Quarantining Of An Individual To Continue?				

		<p><i>RIGHT TO REFUSE MEDICAL TREATMENT:</i></p> <p>May TB Treatment Be Forced Upon An Individual In Quarantine?</p>	<p>Answer</p>	<p>Yes, TB treatment may be forced upon individuals in quarantine.</p>
			<p>Relevant Statutory Provisions</p>	<p>18 V.S.A. § 1057(a) → When the commissioner of health determines, as a result of an examination as provided by [18 V.S.A. §§ 1055 and 1056] of this title, that any person is afflicted with tuberculosis in an active stage and in communicable form to an extent that the person may expose other persons or the public generally to danger of infection, he shall investigate the circumstances thereof and if he finds that the person does constitute a health hazard to the public, he may request the court to order the person to a hospital or other suitable place and require appropriate medical management of the person therein until he determines that the management is no longer necessary Treatment shall not be imposed on any person against his will unless the commissioner determines that the person constitutes a public health hazard without such treatment.</p>
			<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because the relevant statutory provision [18 V.S.A. § 1057(a)] allows for treatments to be forced upon individuals in quarantine. Furthermore, the statute does not define TB in the “active stage” or in a “communicable form” and fails to define what constitutes a “public health hazard.” Therefore, the statute fails to explicitly define which individuals may be subjected to forced TB treatment.</p>

<p><i>CLEARLY ARTICULATED STANDARDS THAT PROPERLY BALANCE INTERESTS:</i></p> <p>Are There Statutory Provisions Which Require Each Of The Following To Be Proven At The Quarantine Hearing:</p>	<p>Substantial Evidence Of Significant Danger?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which requires proof at the quarantine hearing of substantial evidence of the significant danger that the individual with TB poses.</p>
		<p>Relevant Statutory Provisions</p>	<p>N/A</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such provision exists.</p>
	<p>Necessary To Prevent Harm?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which requires proof at the quarantine hearing that the quarantining of the individual with TB is necessary to prevent harm.</p>
		<p>Relevant Statutory Provisions</p>	<p>N/A</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such provision exists.</p>
	<p>Least Restrictive Measures?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which requires proof at the quarantine hearing that the quarantining of the individual with TB is the least restrictive measure available to remedy the situation.</p>
		<p>Relevant Statutory Provisions</p>	<p>N/A</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such provision exists.</p>

<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Which Allows An Individual To Be Confined In Their Home?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which allows individuals to be quarantined in their home.</p>
	<p>Relevant Statutory Provisions</p>	<p>18 V.S.A. § 1007 → When a patient who has a communicable disease subject to quarantine leaves a hospital or institution without the consent of the authorities of such hospital or institution the physician or other person in charge of such a hospital or institution shall notify forthwith the commissioner, that such person has left the hospital or institution and is the bearer of such communicable disease.</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because this statute lists only hospitals and institutions as places where an individual may possibly be quarantined. There is no explicit statutory provision stating that individuals may be quarantined in their homes.</p>
<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Which Limits The Length Of Time An Individual May Be Quarantined To A Reasonable Time (i.e. 3 Days or 72 Hours) Without An Additional Court Order?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which limits the amount of time an individual may be quarantined without an additional court order to 3 days (72 hours).</p>
	<p>Relevant Statutory Provisions</p>	<p>18 V.S.A. § 1004 → A physician who knows or suspects that a person whom he has been called to attend is sick or has died of a communicable disease dangerous to the public health shall immediately quarantine and report to the health officer the place where such case exists</p> <p>18 V.S.A. § 1004a → The commissioner of health shall have the power to quarantine a person diagnosed or suspected of having a disease dangerous to the public health.</p> <p>18 V.S.A. § 1057(a) → When the commissioner of health determines, as a result of an examination as provided by [18 V.S.A. §§ 1055 and 1056] of this title, that any person is afflicted with tuberculosis in an active stage and in communicable form to an extent that the person may expose other persons or the public generally to danger of infection, he shall investigate the circumstances thereof and if he finds that the person does constitute a health hazard to the public, he may request the court to order the person to a hospital or other suitable place and require appropriate medical management of the person therein <u>until he determines that the management is no longer necessary</u> (emphasis added).</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because the relevant statutory provisions do not place any time limit on the period of time an individual may be quarantined. 18 V.S.A. § 1057(a) allows for individuals with TB to be detained and medical treatment to be forced upon them for an indefinite period of time, essentially until the commissioner of health “determines that the management is no longer necessary.”</p>

	<i>FUNDAMENTAL FAIRNESS:</i>	Answer	No, there is no explicit statutory provision which requires the release of an individual from quarantine if they agree to comply with the recommended course of treatment.
	Is There A Statutory Provision Which Requires The Release Of An Individual From Quarantine If They Agree To Comply With The Recommended Course Of Treatment?	Relevant Statutory Provisions	N/A
		Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such statutory provision exists.
	<i>FUNDAMENTAL FAIRNESS:</i>	Answer	No, there is no explicit statutory provision which requires the release of an individual from quarantine if they are no longer infectious.
		Relevant Statutory Provisions	18 V.S.A. § 1060 → Any person in compulsory medical management by order of the court who believes his physical condition is such as to warrant his discharge, if the discharge is refused by the commissioner of health, is entitled to a physical examination by a qualified physician of his own choice. If as a result of examination the physician feels that the continued compulsory medical management is no longer justified and the commissioner of health does not concur in that opinion, the person may appeal by petition to the court issuing the original order for his compulsory medical management. Proceedings before the court shall be de novo, and the court may require such further examination as it considers necessary and may, in its discretion, at the expense of the state appoint no less than three independent physicians, at least one of whom shall have had special experience in respiratory diseases, to examine the person. At the conclusion of the proceedings, the court shall make findings of fact and issue such order as it considers proper. The order of the court may be appealed to the supreme court in the manner provided by law for appeals from a district court generally.
		Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because there is no explicit statutory provision which requires the release of an individual from quarantine if they are no longer infectious. The only relevant statutory provision [18 V.S.A. § 1060] addresses when forced TB treatment may be halted by court order if the individual with TB believes the treatment is no longer necessary.

State	Stage Of Tuberculosis Treatment	Specific Due Process Protection	Legal Authorities		
VT	Isolation: Long Term Detention	<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Which Requires A Petition For A Court Order To Be Filed Before An Individual With TB Is Placed In Long Term Detention & Requiring Such Petition To Include:</p>	Factual Evidence Of Non-Adherence?	Answer	No, there is no explicit statutory provision which requires the petition for a court order to include factual evidence of non-adherence.
		Relevant Statutory Provisions		N/A	
		Do These Provisions Meet The Due Process Requirements Of The Model Act?		No, the due process requirements of the Model Act are not met because no such provision exists.	
		Legal Grounds For The Petition?	Answer	No, there is no explicit statutory provision which requires the petition for a court order to include the legal grounds on which the petition is filed.	
			Relevant Statutory Provisions	N/A	
			Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such provision exists.	

			Facts That Show Isolation Is Appropriate ?	Answer	No, there is no explicit statutory provision which requires the petition for a court order to include the facts which show that isolation or long term detention is appropriate.
				Relevant Statutory Provisions	N/A
				Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such provision exists.
			Substantial Evidence Of Danger?	Answer	No, there is no explicit statutory provision which requires the petition for a court order to include substantial evidence of the danger the individual with TB poses.
				Relevant Statutory Provisions	N/A
				Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such provision exists.
			Assessment Of Less Restrictive Alternatives ?	Answer	No, there is no explicit statutory provision which requires the petition for a court order to include an assessment of less restrictive measures.
				Relevant Statutory Provisions	N/A
				Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such provision exists.

	<p><i>NOTICE:</i></p> <p>Is There A Statutory Provision Requiring That The Individual With TB Is To Be Provided Notice That They May Be Isolated Or Placed In Long Term Detention If The Person Fails To Comply With Treatment?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision requiring that the individual with TB is to be provided actual notice, in a manner that they can understand, that they may be isolated or placed in long term detention.</p>
		<p>Relevant Statutory Provisions</p>	<p>N/A</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such statutory provision exists.</p>
	<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Which Grants The Individual With TB The Right To Be Present At The Hearing Held To Determine Whether Long Term Detention Is Appropriate?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which grants the individual with TB the right to be present at the judicial hearing held to determine whether long term detention is appropriate.</p>
		<p>Relevant Statutory Provisions</p>	<p>N/A</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such statutory provision exists. In addition, there is no statutory provision which requires a hearing or a court order before an individual is placed in long term detention.</p>

<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Which Grants The Individual With TB The Right To Counsel?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which grants the individual with TB the right to counsel.</p>
	<p>Relevant Statutory Provisions</p>	<p>N/A</p>
<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Which Grants The Individual With TB The Right To A Medical Examination By An Independent Physician?</p>	<p>Answer</p>	<p>Yes, there is a statutory provision which grants the individual with TB the right to a medical examination by an independent physician.</p>
	<p>Relevant Statutory Provisions</p>	<p>18 V.S.A. § 1060 → Any person in compulsory medical management by order of the court who believes his physical condition is such as to warrant his discharge, if the discharge is refused by the commissioner of health, is entitled to a physical examination by a qualified physician of his own choice. If as a result of examination the physician feels that the continued compulsory medical management is no longer justified and the commissioner of health does not concur in that opinion, the person may appeal by petition to the court issuing the original order for his compulsory medical management. Proceedings before the court shall be de novo, and the court may require such further examination as it considers necessary and may, in its discretion, at the expense of the state appoint no less than three independent physicians, at least one of whom shall have had special experience in respiratory diseases, to examine the person. At the conclusion of the proceedings, the court shall make findings of fact and issue such order as it considers proper.</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>Yes, this statutory provision appears to partially meet the due process requirements of the Model Act. However, there is no requirement that an independent physical examination is to occur within a reasonable amount of time and prior to any forced detention or forced treatment.</p>

<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Are There Statutory Provisions Which Grant The Individual With TB The Right At The Hearing To:</p>	<p>Submit Evidence?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which grants the individual with TB the right at the hearing to submit evidence.</p>
		<p>Relevant Statutory Provisions</p>	<p>N/A</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such provision exists.</p>
	<p>Call/Cross-Examine Witnesses?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which grants the individual with TB the right at the hearing to call and/or cross-examine witness.</p>
		<p>Relevant Statutory Provisions</p>	<p>N/A</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such provision exists.</p>
	<p>Submit Rebuttal Proofs?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which grants the individual with TB the right at the hearing to submit rebuttal proofs.</p>
		<p>Relevant Statutory Provisions</p>	<p>N/A</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such provision exists.</p>

<i>FUNDAMENTAL FAIRNESS:</i>	Answer	No, there is no explicit statutory provision which requires the proceedings to be completed in a timely fashion.
	Relevant Statutory Provisions	N/A
	Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such statutory provision exists. In addition, there is no statutory provision which requires a hearing or a court order before an individual is placed in long term detention.
Is There A Statutory Provision Which Requires The Proceedings To Be Completed In A Timely Fashion?	Answer	No, there is no explicit statutory provision requiring a record of the proceedings to be made.
	Relevant Statutory Provisions	N/A
	Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such statutory provision exists. In addition, there is no statutory provision which requires a hearing or a court order before an individual is placed in long term detention.
<i>FUNDAMENTAL FAIRNESS:</i>	Answer	No, there is no explicit statutory provision which requires a court order in writing before an individual with TB is placed in long term detention.
	Relevant Statutory Provisions	N/A
	Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such statutory provision exists. In addition, there is no statutory provision which requires a hearing or a court order before an individual is placed in long term detention.
Is There A Statutory Provision Which Requires A Court Order In Writing Before An Individual With TB Is Placed In Long Term Detention?	Answer	No, there is no explicit statutory provision which requires a court order in writing before an individual with TB is placed in long term detention.
	Relevant Statutory Provisions	N/A
	Do These Provisions Meet The Due Process Requirements Of The Model Act?	No, the due process requirements of the Model Act are not met because no such statutory provision exists. In addition, there is no statutory provision which requires a hearing or a court order before an individual is placed in long term detention.

<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Which Limits The Amount Of Time An Individual With TB May Be Kept In Long Term Detention To No Longer Than 6 Months Without Further Review?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which limits the amount of time an individual with TB may be kept in long term detention to no more than 6 months without further review.</p>
	<p>Relevant Statutory Provisions</p>	<p>18 V.S.A. § 1057(a) → When the commissioner of health determines, as a result of an examination as provided by [18 V.S.A. §§ 1055 and 1056] of this title, that any person is afflicted with tuberculosis in an active stage and in communicable form to an extent that the person may expose other persons or the public generally to danger of infection, he shall investigate the circumstances thereof and if he finds that the person does constitute a health hazard to the public, he may request the court to order the person to a hospital or other suitable place and require appropriate medical management of the person therein <u>until he determines that the management is no longer necessary</u> (emphasis added).</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act have not been met because no such statutory provision exists. The only relevant statutory provision [18 V.S.A. § 1057(a)] allows for individuals with TB to be detained and medical treatment to be forced upon them for an indefinite period of time, essentially until the commissioner of health “determines that the management is no longer necessary.” The Model Act requires that the courts maintain supervision of the necessity for treatment. Under the Model Act, a court order can only require isolation and treatment for 6 months. At the end of that 6 month period a hearing is required in order to extend isolation and treatment.</p>
<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Requiring A Full Judicial Hearing Before The Extension Of The Confinement Period?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which requires a full judicial hearing before the extension of the confinement period.</p>
	<p>Relevant Statutory Provisions</p>	<p>N/A</p>
	<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such statutory provision exists. In addition, there is no statutory provision which requires a hearing or a court order before an individual is placed in long term detention.</p>

	<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Requiring The Release Of An Individual With TB From Long Term Detention If They Agree To Comply With The Recommended Course Of Treatment?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision requiring an individual with TB to be released from long term detention if they agree to comply with the recommended course of treatment.</p>
		<p>Relevant Statutory Provisions</p>	<p>18 V.S.A. § 1057(a) → When the commissioner of health determines, as a result of an examination as provided by [18 V.S.A. §§ 1055 and 1056] of this title, that any person is afflicted with tuberculosis in an active stage and in communicable form to an extent that the person may expose other persons or the public generally to danger of infection, he shall investigate the circumstances thereof and if he finds that the person does constitute a health hazard to the public, he may request the court to order the person to a hospital or other suitable place and require appropriate medical management of the person therein until he determines that the management is no longer necessary.</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process requirements of the Model Act are not met because no such statutory provision exists. The only relevant statutory provision [18 V.S.A. § 1057(a)] allows for individuals with TB to be detained and medical treatment to be forced upon them for an indefinite period of time, essentially until the commissioner of health “determines that the management is no longer necessary.”</p>
	<p><i>FUNDAMENTAL FAIRNESS:</i></p> <p>Is There A Statutory Provision Which Grants An Individual In Long Term Detention The Right To Timely Appeal The Judicial Order Placing Them There?</p>	<p>Answer</p>	<p>No, there is no explicit statutory provision which grants an individual in long term detention the right to timely appeal the judicial order placing them there.</p>
		<p>Relevant Statutory Provisions</p>	<p>18 V.S.A. § 1060 → Any person in compulsory medical management by order of the court who believes his physical condition is such as to warrant his discharge, if the discharge is refused by the commissioner of health, is entitled to a physical examination by a qualified physician of his own choice. If as a result of examination the physician feels that the continued compulsory medical management is no longer justified and the commissioner of health does not concur in that opinion, the person may appeal by petition to the court issuing the original order for his compulsory medical management. Proceedings before the court shall be de novo, and the court may require such further examination as it considers necessary and may, in its discretion, at the expense of the state appoint no less than three independent physicians, at least one of whom shall have had special experience in respiratory diseases, to examine the person. At the conclusion of the proceedings, the court shall make findings of fact and issue such order as it considers proper. The order of the court may be appealed to the supreme court in the manner provided by law for appeals from a district court generally. <u><i>A person may not petition for release from medical management within six month from the date a court order is made, whether an appeal is taken or not</i></u> (emphasis added).</p>
		<p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>No, the due process protections of the Model Act are not met because no such statutory provision exists. There is no statutory provision which requires a hearing or a court order before an individual is placed in long term detention. The only relevant statutory provision [18 V.S.A. § 1060] grants an individual with TB the right to appeal the judicial order necessary to force TB treatment upon them. However, even this statutory provision states that a person ordered into compulsory medical management may not petition to be released from such confinement for a 6 month period.</p>

		<p><i>FREEDOM OF RELIGION:</i></p> <p>Is There A Statutory Provision Which Provides For A Religious Exception To The Other Relevant TB Control Provisions?</p>	<p>Answer</p> <hr/> <p>Relevant Statutory Provisions</p> <hr/> <p>Do These Provisions Meet The Due Process Requirements Of The Model Act?</p>	<p>Yes, there is an explicit statutory provision which provides a religious exception to the other relevant TB control provisions.</p> <hr/> <p>18 V.S.A. § 1057(b) → Nothing in [18 V.S.A. §§ 1055-1056] shall be construed to compel any person who is being treated by prayer or spiritual means alone in accordance with the tenets and practice of a well recognized church or religious denomination by a duly accredited practitioner to be medically managed in a place to which he objects as long as <i>suitable</i> healing methods or isolation can be maintained in a place of his own choosing, <i>provided that he does not constitute a public health hazard as determined by the commissioner</i>, and that all sanitation rules and regulations are complied with.</p> <hr/> <p>No, the due process requirements of the Model Act are not met. Although 18 V.S.A. § 1057(b) seems to meet these requirements, this provision falls short as it fails to define what healing methods are considered “suitable,” and it fails to define who constitutes “a public health hazard.” Furthermore, this determination should be made by the courts rather than the commissioner, and the corresponding standard of review should be explicitly stated.</p>
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