

[]

専門家への諮問又は同意
裁判所の許可

(ある・ない)
(ある・ない)

(9) 【拘束的治療の措置の有無】

(同居の家族又は公衆に対して感染されるおそれがある患者であって、入院後に治療を拒否し自己の判断に基づいて退院する患者がいることが問題になっている)

- ・ 入院後に治療を拒否し自己の判断に基づいて退院するおそれがある患者について、他の患者と隔離した上で、鍵のかかる病室に入室させる等、自己の判断のみにより退院できない環境において治療する措置がとれる制度が導入されているか。

(Yes・No)

- ・ 導入されている場合には、どのような手続を経て、当該措置をとることになっているか。専門家への諮問又は専門家の同意、裁判所の許可等の手続はあるか。

手続

[]

専門家への諮問又は同意
裁判所の許可

(ある・ない)
(ある・ない)

以上、ご協力に感謝します。

"Inquiries to Foreign Governments" (United Kingdom/ France)

Government of Japan has been looking for the best way to provide medical care to tuberculosis patients (including multidrug-resistant tuberculosis), while preventing further infection of disease to others. A very small number of patients refuse to receive treatment, even if he or she is infectious to the other people. Because tuberculosis is a chronic disease and needs a long-term treatment, there is an opinion, which suggests Japanese government to set a law for patients to treat and cure tuberculosis in detention. We would like to ask your country's current situation for our reference. Thank you for your cooperation.

- (1) Are there any legal institutions in the federal law established to hospitalize tuberculosis patients against their own will, for purposes of infection prevention (including legal institutions established not only specifically for tuberculosis but also for infectious diseases in general)?

(Yes · No)

- If there are any such institutions in the federal law, please provide the name of the law, governing provisions, and a description of the provisions in English. Proceed to (2) below.

[]

- (2) **【Perspective of infection prevention】**

When you can force patients to be hospitalized against their will, can you justify hospitalization by using the following approach? Please answer Yes or No to the questions and, if Yes, please specify the hospitalization criteria of your government

1. to prevent further infection to the patient's family members or to those who live together with the patient

(Yes · No)

hospitalization criteria

[]

2. to prevent infection to the general public

(Yes • No)

hospitalization criteria

[]

(3) **Administrative body issuing hospitalization order**

• Which administrative body issues a hospitalization order: or a court?

(government body, court)

• If a hospitalization order is issued by an administrative body, please specify the name of the government body

()

• If a hospitalization order is issued by a court, which administrative body seeks issuance of the order by the court?

• Name of the government body

()

• Please specify the governing provisions and describe the provisions in English;

[]

(4) **Procedures for issuing hospitalization order**

• Does the body with authority regarding hospitalization orders specified in (3) hear the opinions of the patient side? Does the body issue an order after obtaining views or the consent of specialized agencies?

(obtaining views, the consent of specialized agencies)

• If the body with such authority is an administrative body, is it required to obtain a

warrant, etc. from a court?

(Yes • No)

(5) [Means of ensuring hospitalization of patients against their will]

If a patient does not obey a hospitalization order, what means are used to ensure hospitalization of the patient?

In concrete terms,

- Are there any bodies that can exercise force to ensure hospitalization other than the body issuing the order?

(Yes • No)

- Are there any cases in which the police cooperate with personnel of the administrative body ordering the hospitalization?

(Yes • No)

[If there are no such institutions, go to Question (8)]

(6) [Procedures to ensure hospitalization of patients against their will]

- If there is an institution ensuring hospitalization of patients against their will by exercising physical force against them, are there any procedures for hearing the opinions of the patient side or for obtaining views or the consent of specialized agencies?

(Yes • No)

- Does the administrative body need to obtain a warrant from a court to exercise its authority?

(Yes • No)

(7) [Continuation of hospitalization]

In the case of tuberculosis, a chronic infection, it may be necessary to periodically examine the need for continuation of hospitalization. Are there any such systems to periodically re-examine the need for continuation of hospitalization?

(Yes • No)

- Which organization determines the need for continuation of hospitalization or for discharge from the hospital, and through which procedures?

Name of the organization

[]

procedures

[]

• the criteria for hospital discharge:

1. If there is a possibility of spreading disease within family members or those who live together, could a patient be discharged from a hospital?

(Yes • No)

If Yes, please specify the criteria in detail.

[]

2. If there is a possibility of spreading disease among general public, could a patient be discharged from a hospital?

(Yes • No)

If Yes, please specify the criteria in detail.

[]

(8) **【Presence or absence of measures to isolate tuberculosis patients from general patients or health care workers】**

(There has been the opinion that patients with tuberculosis, a chronic infection, and in particular those with multidrug-resistant tuberculosis, should be isolated from general patients and health care workers.)

- Are there any measures taken to treat patients with chronic tuberculosis, and in particular patients with multidrug-resistant tuberculosis, after isolating them from general patients or health care workers?

(Yes • No)

- If yes, through which procedures are the relevant measures taken? Are there any procedures such as consulting with specialists, obtaining advice from specialists, or obtaining permits from a court?

procedure

advice from specialists
permits from a court

(Yes • No)
(Yes • No)

(9) [Presence or absence of measures for compulsory treatment]

(There are patients who are potentially infectious to family members living with them or the general public and refuse to receive treatment after they have been hospitalized and leave the hospital on their own judgment.)

- For those patients who are likely to refuse treatment after they have been hospitalized and leave the hospital on their own judgment, are there any institutions introduced to enable the enforcement of measures to treat such patients in an environment where they cannot leave the hospital only on their own judgment, such as a measure to isolate such patients from other patients and then force them to stay in a lockable patient room?

(Yes • No)

- If yes, through which procedures are the relevant measures expected to be taken? Are there any procedures such as consulting with specialists, obtaining advice from specialists, or obtaining permits from a court?

procedures

advice from specialists
permits from a court

(Yes • No)
(Yes • No)

This concludes our questions. Thank you very much for your cooperation.

"Inquiries to Foreign Governments" (Germany/United States/Netherlands Edition)

Government of Japan has been looking for the best way to provide medical care to tuberculosis patients (including multidrug-resistant tuberculosis), while preventing further infection of disease to others. A very small number of patients refuse to receive treatment, even if he or she is infectious to the other people. Because tuberculosis is a chronic disease and needs a long-term treatment, there is an opinion, which suggests Japanese government to set a law for patients to treat and cure tuberculosis in detention. We would like to ask your country's current situation for our reference. Thank you for your cooperation.

A: Questions to the federal government

- (1) Are there any legal institutions in the federal law established to hospitalize tuberculosis patients against their own will, for purposes of infection prevention (including legal institutions established not only specifically for tuberculosis but also for infectious diseases in general)?

(Yes · No)

- If there are any such institutions in the federal law, please provide the name of the law, governing provisions, and a description of the provisions in English. Proceed to (2) below.

[]

- If there are no such institutions in the federal law, please indicate whether there are any cases in which such institutions have been adopted in a state law and, if any, please specify the name of one such state (preferably the state closest to the capital). In this case, there will be no other questions to the federal government. Proceed below to the questions to the state concerned.

institutions (Yes · No)

name of the state ()

- If there are no relevant institutions in either federal or state law, no other questions

will be asked

(2) **【Perspective of infection prevention】**

When you can force patients to be hospitalized against their will, can you justify hospitalization by using the following approach? Please answer Yes or No to the questions and, if Yes, please specify the hospitalization criteria of your government

1. to prevent further infection to the patient's family members or to those who live together with the patient

(Yes • No)

hospitalization criteria

[]

2. to prevent infection to the general public

(Yes • No)

hospitalization criteria

[]

(3) **【Administrative body issuing hospitalization order】**

- Which administrative body issues a hospitalization order: federal government body state government body, or a court?

(federal government body, state government body, court)

- If a hospitalization order is issued by an administrative body, which administrative body of the federal government body or state government body issues it?

Name of the government body

()

- If a hospitalization order is issued by a court, which administrative body seeks issuance of the order by the court?

- Name of the government body

()

- Please specify the governing provisions and describe the provisions in English.

[]

(4) **【Procedures for issuing hospitalization order】**

- Does the body with authority regarding hospitalization orders specified in (3) hear the opinions of the patient side? Does the body issue an order after obtaining views or the consent of specialized agencies?

(obtaining views, the consent of specialized agencies)

- If the body with such authority is an administrative body, is it required to obtain a warrant, etc. from a court?

(Yes • No)

(5) **【Means of ensuring hospitalization of patients against their will】**

If a patient does not obey a hospitalization order, what means are used to ensure hospitalization of the patient?

In concrete terms,

- Are there any bodies that can exercise force to ensure hospitalization other than the body issuing the order?

(Yes • No)

- Are there any cases in which the police cooperate with personnel of the administrative body ordering the hospitalization?

(Yes • No)

【If there are no such institutions, go to Question (8)】

(6) **【Procedures to ensure hospitalization of patients against their will】**

- If there is an institution ensuring hospitalization of patients against their will by exercising physical force against them, what procedures are taken for it?

[]

- Are there any procedures for hearing the opinions of the patient side or for obtaining views or the consent of specialized agencies?

(Yes • No)

- Does the administrative body need to obtain a warrant from a court to exercise its authority?

(Yes • No)

(7) [Continuation of hospitalization]

In the case of tuberculosis, a chronic infection, it may be necessary to periodically examine the need for continuation of hospitalization. Are there any such systems to periodically re-examine the need for continuation of hospitalization?

(Yes • No)

- Which organization determines the need for continuation of hospitalization or for discharge from the hospital, and through which procedures?

Name of the organization

[]

procedures

[]

- the criteria for hospital discharge:

1. If there is a possibility of spreading disease within family members or those who live together, could a patient be discharged from a hospital?

(Yes • No)

If Yes, please specify the criteria in detail.

[]

2. If there is a possibility of spreading disease among general public, could a patient be discharged from a hospital?

(Yes • No)

If Yes, please specify the criteria in detail.

[]

(8) **【Presence or absence of measures to isolate tuberculosis patients from general patients or health care workers】**

(There has been the opinion that patients with tuberculosis, a chronic infection, and in particular those with multidrug-resistant tuberculosis, should be isolated from general patients and health care workers.)

• Are there any measures taken to treat patients with chronic tuberculosis, and in particular patients with multidrug-resistant tuberculosis, after isolating them from general patients or health care workers?

(Yes • No)

• If yes, through which procedures are the relevant measures taken? Are there any procedures such as consulting with specialists, obtaining advice from specialists, or obtaining permits from a court?

procedure

[]

advice from specialists

(Yes • No)

permits from a court

(Yes • No)

(9) **【Presence or absence of measures for compulsory treatment】**


(There are patients who are potentially infectious to family members living with them or the general public and refuse to receive treatment after they have been hospitalized and leave the hospital on their own judgment.)

- For those patients who are likely to refuse treatment after they have been hospitalized and leave the hospital on their own judgment, are there any institutions introduced to enable the enforcement of measures to treat such patients in an environment where they cannot leave the hospital only on their own judgment, such as a measure to isolate such patients from other patients and then force them to stay in a lockable patient room?

(Yes • No)

- If yes, through which procedures are the relevant measures expected to be taken? Are there any procedures such as consulting with specialists, obtaining advice from specialists, or obtaining permits from a court?

procedures



advice from specialists

(Yes • No)

permits from a court

(Yes • No)

This concludes our questions. Thank you very much for your cooperation.

B: Questions to the state government

(If the answer to whether relevant institutions have been established in the federal law was yes, the questions to the state government are not necessary. The following questions should be answered only if the relevant institutions have been established in state law.)

- (1) We have heard from the federal government of your country that a legal institution has been established in your state law that permits the government to hospitalize patients with tuberculosis (including legal institutions established not only specifically for tuberculosis but also infectious diseases in general) against their own will for purposes of infection prevention. Would you please specify the name of the law, governing provisions, and describe the provisions in English?

Name of the state law

()

The provisions

[]

(2) [Perspective of infection prevention]

Please answer Yes or No to the above questions and, if Yes, please specify the hospitalization criteria of your government.

When you can force patients to be hospitalized against their will, can you justify hospitalization by using the following approach?

1. to prevent further infection to the patient's family members or to those who live together with the patient

(Yes • No) |

hospitalization criteria

[]

2. to prevent infection to the general public

(Yes • No) |

hospitalization criteria

[]

(3) **【Administrative body issuing hospitalization order】**

• Which administrative body issues a hospitalization order: federal government body state government body, or a court?

(federal government body, state government body, court)

• If a hospitalization order is issued by an administrative body, which administrative body of the federal government body or state government body issues it?

Name of the government body

()

• If a hospitalization order is issued by a court, which administrative body seeks issuance of the order by the court?

• Name of the government body

()

• Please specify the governing provisions and describe the provisions in English; the same applies hereinafter.

[]

(4) **【Procedures for issuing hospitalization order】**

• What procedures does the body with authority regarding hospitalization orders specified in (3) use to issue such orders?

[]

• Does the body hear the opinions of the patient side? Does the body issue an order

after obtaining views or the consent of specialized agencies?
(opinions of the patient side · views or the consent of specialized agencies)

· If the body with such authority is an administrative body, is it required to obtain a warrant, etc. from a court?

(required · not required)

(5) **【Means of ensuring hospitalization of patients against their will】**

If a patient does not obey a hospitalization order, what means are used to ensure hospitalization of the patient?

In concrete terms,

· Are there any bodies that can exercise force to ensure hospitalization other than the body issuing the order?

(Yes · No)

· Are there any cases in which the police cooperate with personnel of the administrative body ordering the hospitalization?

(Yes · No)

【If there are no such institutions, go to Question (8)】

(6) **【Procedures to ensure hospitalization of patients against their will】**

· If there is an institution ensuring hospitalization of patients against their will by exercising physical force against them, what procedures are taken for it?

[]

· Are there any procedures for hearing the opinions of the patient side or for obtaining views or the consent of specialized agencies?

(Yes · No)

· Does the administrative body need to obtain a warrant from a court to exercise its authority?

(Yes · No)

(7) 【Continuation of hospitalization】

In the case of tuberculosis, a chronic infection, it may be necessary to periodically examine the need for continuation of hospitalization. Are there any such systems to periodically re-examine the need for continuation of hospitalization?

(Yes • No)

- Which organization determines the need for continuation of hospitalization or for discharge from the hospital, and through which procedures?

Name of the organization

[]

procedures

[]

- the criteria for hospital discharge:

1. If there is a possibility of spreading disease within family members or those who live together, could a patient be discharged from a hospital?

(Yes • No)

If Yes, please specify the criteria in detail.

[]

2. If there is a possibility of spreading disease among general public, could a patient be discharged from a hospital?

(Yes • No)

If Yes, please specify the criteria in detail.

[]

(8) **【Presence or absence of measures to isolate tuberculosis patients from general patients or health care workers】**

(There has been the opinion that patients with tuberculosis, a chronic infection, and in particular those with multidrug-resistant tuberculosis, should be isolated from general patients and health care workers.)

- Are there any measures taken to treat patients with chronic tuberculosis, and in particular patients with multidrug-resistant tuberculosis, after isolating them from general patients or health care workers?

(Yes · No)

- If yes, through which procedures are the relevant measures taken? Are there any procedures such as consulting with specialists, obtaining advice from specialists, or obtaining permits from a court?

procedure



advice from specialists

(Yes · No)

permits from a court

(Yes · No)

(9) **【Presence or absence of measures for compulsory treatment】**

(There are patients who are potentially infectious to family members living with them or the general public and refuse to receive treatment after they have been hospitalized and leave the hospital on their own judgment.)

- For those patients who are likely to refuse treatment after they have been hospitalized and leave the hospital on their own judgment, are there any institutions introduced to enable the enforcement of measures to treat such patients in an environment where they cannot leave the hospital only on their own judgment, such as a measure to isolate such patients from other patients and then force them to stay in a lockable patient room?

(Yes · No)

- If yes, through which procedures are the relevant measures expected to be taken? Are there any procedures such as consulting with specialists, obtaining advice from specialists, or obtaining permits from a court?

procedures

A large, empty bracketed area, likely for handwritten notes or answers. The brackets are on the left and right sides, with the top and bottom lines connecting them.

advice from specialists

(Yes • No)

permits from a court

(Yes • No)

This concludes our questions. Thank you very much for your cooperation.

菌陰性化の見通しがたたない XDR-TB 患者の診療経験 ～入院以外の状況を中心に～

国立療養所広島病院
国立病院機構東広島医療センター

重藤 えり子

外来管理、時々入院

- 昭和15年生男性、昭和32年発病、昭和49年再発
- 排菌：微量～塗抹陽性、感受性薬はCS, KM, EB, EVM
- 感受性薬を中心に3剤継続し通院中。
- 薬剤は、胃腸障害が強いなどと言いつきに勝手に調整していた。
- 糖尿病コントロール不良
- 時々、シュープを起こし塗抹陽性となるが自覚症状は軽微。塗抹陽性となったら入院して糖尿病のコントロールを厳重にすることを約束し、塗抹陽性時に入院(3回)。
- 教師であったが、培養陰性化が確認できない段階で復職を主張した。60歳で退職後は若年者との接触は少なくなったが、相談なく海外旅行に行く、多くの人が集まる場にも出て行く等の行動あり。
- 家族とは別居であり交流がない。続発患者はない。

自己退院した“元気な”男性

- 昭和25年生男性。平成2年発病。詳細な病歴不明。感受性薬CS, TH, EVMのみ。当院には数回入院。
- 毎回、駅前で救急車をよび、結核、しかも感染性であることを告げて、結核専門病院に搬送される。食事を摂り、元気になり、生活保護申請をして保釋費が出ると、当日もしくは翌日には病院から消える。この間2週間足らず。
- 常に塗抹陽性。自覚症状は特に訴えない。
- 4回目の入院時外科治療を勧めると、「肺機能が落ちて仕事ができなくなるから」と拒否
- より高度な医療を検討するとして、近畿中央胸部疾患センターに、保健所の車で搬送予定としていた。しかし、前日の晩に無断外出し連絡がつかないため中止。繁華街で喧嘩し、翌朝警察で事情取りされ病院に連絡、再び救急車で搬送された。
- 翌日朝に行方不明。その後、岡山、姫路、尼崎の病院もしくは警察から次々と問い合わせあり、JRで大阪まで移動したことが判明した。その後の情報なし。

外来管理を試みたが他院に再入院させられた

- 昭和13年生男性、昭和55年発病。平成11年には多剤耐性(大阪にて)、治療不能で塗抹陽性。平成16年4月から結核病棟に入院していたが、多剤耐性で厳重な隔離と専門的検討が必要として2005年に転院。感受性薬はTH, EVMのみ。
- 化学療法不能と判断。外科治療も適応外。自覚症状は軽微で、日常生活に支障ない。
- 自宅あり、同居していた家族は妻のみ。本人・家族に詳細に感染防止についての教育を行い、「周囲へのまん延のおそれはない」と判断し、保健所保健師にも連絡の上、退院とした。退院時は家族が自家用車で送迎。
- 地元の結核診査協議会において、入院が必要とされ、他の陰圧病室をもつ施設に再び入院となった。

自営業のため入院を拒否し続けた

- 昭和23年生男性、平成1年発病。当院へは平成4年から外来通院。感受性薬はPAS, CS, KM, EVM, 塗抹陽性がつづいていた。
- 主治医・保健所が強く入院を勧めていたが、自営業で本人が入院すると生活が出来ないと、仕事を続けていた。可能な限り直接人と接する事は避け、電話等に依っていたという。
- 外来には年数回受診し(マスク着用)、検査は受けていた。抗結核薬は不使用。
- 平成13年、シュープ(急性悪化)をおこし、体重減少、労作時息切れが強くなった。菌陰性化の可能性もあるとして入院治療を勧めた。(RFPの感受性も回復していた)
- 治療効なく入院1年余で咯血死。家族は毎日訪問。
- 家族・その他周辺に続発患者なし。

XDR-TB慢性排菌者の診療経験から

- XDR-TBになる背景には、医療の提供の問題点だけでなく、パーソナリティの問題も関与している可能性がある。
- 行路者、放浪者は一医療機関では対応不能である。また他の入院患者への脅威にもなる。
- 説得にも関わらず患者が入院を拒否している場合には、外来管理も考えるべきである。そのほうが医療への信頼を失わず、状況がさらに悪化したときに対応しやすい。当然、十分な感染対策の確保が必要。
- 専門医療施設以外における診療においては感染対策面での不安が強く、受け入れ難い。