

LONG ISLAND/REGION

# TB Case Points to Gap in Law

## Officials push to keep patient in the hospital

By Jordan Rau

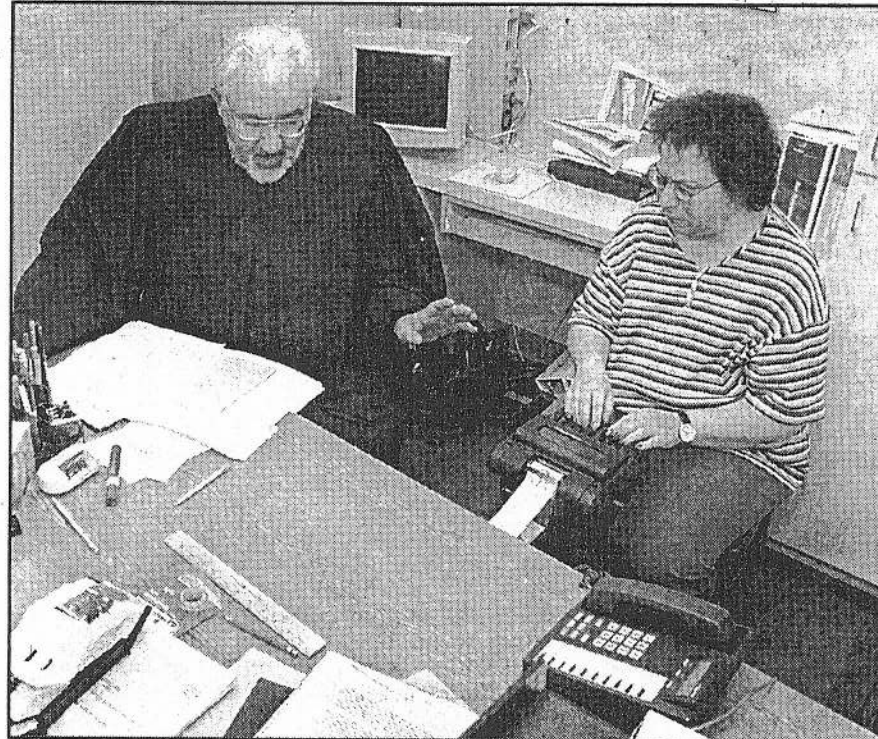
STAFF WRITER

When Robert Oidring left his bed at Brookhaven Memorial Hospital a few days ago to go get a drink, his departure alarmed Suffolk County public health officials.

Oidring, a 49-year-old Patchogue resident with an admitted alcohol problem, had been diagnosed with contagious tuberculosis. And under state law there was no easy way to make him take medication and stay in the hospital, authorities said.

Yesterday, village officials quashed the potential public health crisis, using two outstanding warrants against Oidring to keep him in the Patchogue hospital. But officials said the case highlights a troublesome gap in state law, where public health authorities are powerless to keep people they suspect of being contagious from roaming the streets untreated.

"In the old days you'd lock someone with TB up. Today you can't even get them to stay in the hospital," said Patchogue Village Justice Victor Yannacone. Yannacone rushed to the hospital yesterday morning to hold a special court hearing, communicating with Oidring over a speakerphone in an administrative office so that no one would



Newsday Photo / Jim Peppler

Patchogue Village Justice Victor Yannacone, left, speaks with TB patient Robert Oidring over a speakerphone yesterday as a court reporter records the conversation.

be exposed to TB.

At the hearing, Yannacone gave the Suffolk County sheriff's office custody of Oidring because of outstanding warrants for violating open container ordinances. The order was designed to give officials the authority to keep Oidring in the hospital for at least a month,

past his infectious period.

Oidring said he had left the hospital to get a drink and had not taken his medications for five days. But he said he would take the medications now. "That's no lie, I promise on that," he said.

A significant portion of the hearing,

in which doctors testified about Oidring's medical condition, was closed to the public, and Yannacone and other officials said strict confidentiality laws prohibited them from discussing any facet of the case except for details mentioned during the public hearing.

Dr. Richard Edstrom, director of tuberculosis control for the Suffolk County Department of Health, said the state law gives authorities broad power to control people when there is evidence they are infectious, but has other shortcomings.

"The law does not cover patients who have the potential to become infectious," he said. "We can admit somebody but we can't make them take their pills." Edstrom said the department has gone to court a half dozen times this year to make sure that potential outbreaks are controlled, but said the law forbids him to discuss the details.

The issue is important because the bacteria that causes tuberculosis, a chronic recurrent infection most commonly found in the lungs, often lies dormant for years before its symptoms appear.

The disease can be transmitted through the air, and public health officials are especially concerned about potential epidemics from multidrug-resistant TB, which has broken out in prisons in the state in recent years and also is a major concern for immigrants. TB is treated by antibiotics, a process that can take as long as two years.

Oidring's case appeared to offer particular dangers, because he said during his hearing that his last job, held several years ago, had been at a diner.