

## Ordinance #38

### 641-1.12(135, 137, 139A) Quarantine and Isolation

**1.12(1) Applicability.** The provisions of rule 1.12 are applicable in jurisdictions in which a local board has adopted this rule by reference in accordance with Iowa Code section 137.6.

**1.12(2) Definitions.**

“Area quarantine” means prohibiting ingress and egress to and from a building or buildings, structure or structures, or other definable physical location, or portion thereof, to prevent or contain the spread of a suspected or confirmed quarantinable disease or to prevent or contain exposure to a suspected or known chemical, biological, radioactive, or other hazardous or toxic agent.

“Board” means Union County Board of Health

“Communicable disease” means any disease spread from person to person or animal to person.

“Contagious or infectious disease” means hepatitis in any form, meningococcal disease, AIDS or HIV as defined in Iowa Code section 141A.1, tuberculosis, and any other disease as established by rules adopted by the department, based upon a determination of the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services.

“Department” means the Iowa Department of Health and Human Services.

“Isolation” means the separation of persons or animals presumably or actually infected with a communicable disease, or who are disease carriers, for the usual period of communicability of that disease. Isolation shall be in such places, marked by placards if necessary, and under such conditions to prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible individuals.

“Quarantinable disease” means any communicable disease designated by rule adopted by the department as requiring quarantine or isolation to prevent its spread.

Quarantinable disease includes but is not limited to cholera; diphtheria; infectious tuberculosis; plague; smallpox; yellow fever; viral hemorrhagic fevers, including Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named; and severe acute respiratory syndrome (SARS).

“Quarantine” means the limitation of freedom of movement of persons or animals that have been exposed to a quarantinable disease within specified limits marked by placards, for a period of time equal to the longest usual incubation period of the disease. The limitation of movement shall be in such manner as to prevent the spread of a quarantinable disease which affects people.

**1.12(3) General provisions.** Isolation and quarantine should be consistent with guidelines provided by the Centers for Disease Control and Prevention.

- A. Voluntary confinement. Prior to instituting mandatory isolation or quarantine pursuant to this rule, the board may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.
- B. Quarantine and isolation. The board is authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed by the board. If a quarantinable disease occurs in Iowa, individuals with a suspected or active quarantinable disease and contacts to the case may be quarantined or isolated as the situation requires. Any quarantine or isolation imposed by the board shall be established and enforced in accordance with this rule.

#### **1.12(4) Conditions and principles.**

The board shall adhere to all of the following conditions and principles when isolating or quarantining individuals or a group of individuals:

- A. The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.
- B. Isolated individuals shall be confined separately from quarantined individuals.
- C. The health status of isolated or quarantined individuals shall be monitored regularly to determine if the individuals require further or continued isolation or quarantine.
- D. If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, the individual shall be promptly removed to isolation.
- E. Isolated or quarantined individuals shall be immediately released when the board determines that the individuals pose no substantial risk of transmitting a communicable or possibly communicable disease.
- F. The needs of isolated or quarantined individuals shall be addressed in a systemic and competent fashion, including, but not limited to, providing adequate food; clothing; shelter; means of communicating with those in and outside of isolation or quarantine; medication; and competent medical care.
- G. The premises used for isolation or quarantine shall be maintained in a safe and hygienic manner and shall be designed to minimize the likelihood of further transmission of infection or other harms to isolated or quarantined individuals.
- H. To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals in isolation and quarantine premises and in establishing and maintaining the premises.

#### **1.12(5) Isolation or quarantine premises.**

Sites of isolation or quarantine shall be prominently placarded with isolation or quarantine signs prescribed and furnished by the department and posted on all sides of the building wherever access is possible.

- A. An individual subject to isolation or quarantine shall obey the rules and orders of the board and shall not go beyond the isolation or quarantine premises.
- B. The department or the board may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.
- C. No individual, other than an individual authorized by the department or the board, shall enter isolation or quarantine premises. If the department has requested the assistance of law enforcement in enforcing the isolation or quarantine, the department shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.
- D. Any individual entering an isolation or quarantine premises with or without authorization of the department or the board may be isolated or quarantined pursuant to this rule.

#### **1.12(6) Isolation and quarantine authority.**

The board may:

- (1) Isolate individuals who are presumably or actually infected with a quarantinable disease.
- (2) Quarantined individuals who have been exposed to a quarantinable disease.

- (3) Establish and maintain places of isolation and quarantine; and
- (4) Adopt emergency rules and issue orders as necessary to establish, maintain, and enforce isolation or quarantine.

Isolation and quarantine undertaken by the board shall be accomplished in accordance with this rule.

- A. **Temporary Isolation and quarantine without notice.** The board may temporarily isolate or quarantine an individual or groups of individuals through an oral order, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the board's ability to prevent or limit the transmission of a communicable or possibly communicable disease to others. If the board imposes temporary isolation or quarantine of an individual or groups of individuals through an oral order, the board shall issue a written order as soon as is reasonably possible and in all cases within 24 hours of issuance of the oral order if continued isolation or quarantine is necessary to prevent or limit the transmission of a communicable or possibly communicable disease.
- B. **Written Order.** The board may isolate or quarantine an individual or groups of individuals through a written order issued pursuant to this rule. A copy of the written order shall be provided to the individual to be isolated or quarantined or, if that is not possible, by any means reasonably calculated to provide actual notice. If the order applies to a group of individuals and it is impractical to provide individual copies, the order shall be posted in a conspicuous place in the isolation or quarantine premises.

The order of isolation or quarantine shall include the following:

- a. Full name and address of person or description of the group subject to the order.
- b. The clinical grounds for believing that the individual or group is infected with, or may have been exposed to, a communicable disease.
- c. The location where the individual or group will be confined during the period of isolation or quarantine.
- d. The exact date and time when the period of isolation or quarantine will expire. If it is not possible to fix an exact date, the order should specify the conditions or circumstances under which the individual or group would no longer pose a threat to the public health and confinement would end (e.g., the disappearance or absence of specified clinical symptoms).
- e. The conditions under which the individual or group will be isolated or quarantined.
- f. Notice of right to challenge the isolation or quarantine

**1.12(7) Appeal from order imposing isolation or quarantine.** Individuals have the right to appeal an order imposing isolation or quarantine. Appeal procedures for department orders are as laid forth in 441—Chapter 7. A request for a hearing shall not stay an isolation or quarantine order unless by order of the issuing department or board, or by a district court.

- A. **Appeal.** The subject of a board order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten days of receipt of the written order. The appeal shall be addressed to the Union County Board of Health. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of upon its merits.
- B. **Proceeding.** The appeal proceedings shall be conducted in accordance with this rule the proceeding shall be held as soon as is practicable, and in no case later than ten

days from the date of receipt of the appeal. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease. In extraordinary circumstances and for good cause shown, the board may continue the proceeding date for up to ten days, giving due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence. At the appeal proceeding, the subject of the appeal shall have the right to introduce evidence on all issues relevant to the order. The board, by majority vote, may modify, withdraw, or order compliance with the order under appeal.

- C. **Judicial review.** The aggrieved party to the final decision of the board may petition for judicial review of that action by filing an action in the appropriate district court. Petitions for judicial review shall be filed within thirty days after the decision becomes final.
- D. **Immediate judicial review of board order.** The board acknowledges that in certain circumstances the subject or subjects of a board order may desire immediate judicial review of a board order in lieu of proceeding with the board's appeal process. The board may consent to immediate jurisdiction of the district court when requested by the subject or subjects of a board order and justice so requires. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the judicial review is finally determined and disposed of upon its merits.

**1.12(8) Rights of individuals and groups of individuals subject to isolation or quarantine.**

Any individual or group of individuals subject to isolation or quarantine shall have the following rights:

- A. The right to be represented by legal counsel.
- B. The right to be provided with prior notice of the date, time, and location of any hearing.
- C. The right to participate in any hearing. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease.
- D. The right to respond and present evidence and argument on the individual's own behalf in any hearing.
- E. The right to cross-examine witnesses who testify against the individual.
- F. The right to view and copy all records in the possession of the board which relate to the subject of the written order.

**1.12(9) Consolidation of claims.**

In any proceeding brought pursuant to this rule, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence, the board or a court may order the consolidation of individual claims into group claims, if all of the following conditions exist:

- A. The number of individuals involved or to be affected is so large that individual participation is impractical.
- B. There are questions of law or fact common to the individual claims or rights to be determined.
- C. The group claims or rights to be determined are typical of the affected individuals' claims or rights.
- D. The entire group will be adequately represented in the consolidation.

**1.12(10) Implementation and enforcement of isolation and quarantine.**

**A. Jurisdictional issues.**

The department has primary jurisdiction to isolate or quarantine individuals or groups of individuals if the communicable disease outbreak has affected more than one county or has multi-county, statewide, or interstate public health implications. If isolation or quarantine is imposed by the department, the board may not alter, amend, modify, or rescind the isolation or quarantine order.

**B. Assistance of local boards of health and local health departments.**

If isolation or quarantine is imposed by the department, the local boards of health and the local health departments in the affected areas shall assist in the implementation of the isolation or quarantine order.

**C. Penalty.**

Pursuant to Iowa Code section 137.21, any individual who violates a lawful board order for isolation or quarantine, whether written or oral, shall be guilty of a simple misdemeanor. The court ordered sentence may include a fine of up to five hundred dollars and imprisonment not to exceed thirty days.

**D. Enforcement Action.**

The board, through the office of the county attorney, may file a civil action in the appropriate district court to enforce a board order for isolation or quarantine. Such action shall be filed in accordance with Iowa Rules of Civil Procedure.