Quarantine and Isolation Ordinance

Cape Girardeau County, Missouri
Ordinance No. 06-01

1.01 Applicability.

The provisions of this ordinance are applicable to Cape Girardeau County pursuant to the authority of Missouri Revised Statue 192.300. Nothing in this ordinance is to be construed to supersede the Rules and Regulations of the Missouri Department of Health and Senior Services.

1.02 Definitions.

"Board" means the Cape Girardeau County Public Heath Center Board of Trustees.

"Communicable disease" is an illness due to an infectious agent or its toxic products and transmitted, directly or indirectly, to a susceptible host from an infected person, animal or arthropod, or through the agency of an intermediate host or a vector, or through the inanimate environment.

"Department" means the Missouri Department of Health and Senior Services.

"Isolation" means the separation of persons or animals presumably or actually infected with a communicable disease, or that 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.

"Local Health Authority" is the Director of the Cape Girardeau County Public Health Center. The Director may delegate duties and powers under this ordinance to the Director's employees or agents.

"Quarantinable disease" means any communicable disease which presents a risk of serious harm to public health and which may require isolation or quarantine 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)and any additional diseases listed by presidential executive order and published by the Centers for Disease Control and Prevention.

"Quarantine" means the limitation of freedom of movement of persons or animals that have been exposed to a communicable 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 communicable disease.

1.03 General Provisions.

a. Voluntary confinement. Prior to instituting mandatory isolation or quarantine pursuant to this ordinance, the Local Health Authority may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.

b. Quarantine and isolation. The Local Health Authority, upon the written approval of the Board and the County Commission, is authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed. Individuals with a suspected or active quarantinable disease and contacts to the case may be quarantined or isolated as the particular situation requires. Any quarantine or isolation imposed by the Local Health Authority shall be established and enforced in accordance with this ordinance.

c. The Local Health Authority shall notify, consult and work cooperatively with the Missouri Department of Health and Senior Services and the state veterinarian office on issues relating to isolation and quarantine of animals.

1.04 Conditions and Principles.

The Local Health Authority 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 Local Health Authority 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 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 harm 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.

1.05 Isolation or Quarantine Premises.

a. Sites of isolation or quarantine shall be prominently placarded with isolation or quarantine signs prescribed and furnished by the Local Health Authority and posted on all sides of the building wherever access is possible.
b. An individual subject to isolation or quarantine shall obey the rules and orders of the Local Health Authority and shall not go beyond the isolation or quarantine premises.
c. The Local Health Authority 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.
d. No individual, other than an individual authorized by the Local Health Authority, shall enter isolation or quarantine premises. If the Local Health Authority has requested the assistance of law enforcement in enforcing the isolation or quarantine, the Local Health Authority shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.
e. Any individual entering an isolation or quarantine premises with or without authorization of the Local Health Authority may be isolated or quarantined pursuant to this ordinance.

1.06 Isolation and Quarantine.

a. Authority. The Local Health Authority may:

(1) Isolate individuals who are presumably or actually infected with a quarantinable disease;
(2) Quarantine individuals who have been exposed to a quarantinable disease;
(3) Establish and maintain places of isolation and quarantine; and
(4) Adopt emergency policies and issue orders as necessary to establish, maintain, and enforce isolation or quarantine.

b. Isolation and quarantine undertaken by the Local Health Authority shall be accomplished in accordance with this ordinance.

c. Temporary isolation and quarantine without notice. The Local Health Authority 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 Local Health Authority's ability to prevent or limit the transmission of a communicable or possibly communicable disease to others. If the Local Health Authority imposes temporary isolation or quarantine of an individual or groups of individuals through an oral order, the Local Health Authority 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.

d. Written order. The Local Health Authority may isolate or quarantine an individual or groups of individuals through a written order issued pursuant to this ordinance.

(1) The written order shall include all of the following:

1. The identity of the individual, individuals, or groups of individuals subject to isolation or quarantine. The specific name of each individual should be used, if known.
2. The premises subject to isolation or quarantine.
3. The date and time at which isolation or quarantine commences.
4. The suspected communicable disease.
5. A description of the less restrictive alternatives that were attempted and were unsuccessful, or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.
6. A statement of compliance with the conditions and principles for isolation and quarantine specified in 1.04.
7. The legal authority under which the order is requested.
8. The medical basis upon which isolation or quarantine is justified.
9. A statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to 1.07 and the rights of individuals and groups of individuals subject to quarantine and isolation as listed in 1.08.

(2) A copy of the written order shall be provided to the individual to be isolated or quarantined within 24 hours of issuance of the order. If the order applies to a group or groups of individuals and it is impractical to provide individual copies, the order may be posted in a conspicuous place in the isolation or quarantine premises.

1.07 Appeal From Order Imposing Isolation or Quarantine.

a. Appeal. The subject of a Local Health Authority 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 Director of the Cape Girardeau County Public Health Center, P.O. Box 1839, Cape Girardeau Missouri 63702. Unless stayed by order of the Local Health Authority or a circuit 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. Board of Trustees. The Cape Girardeau County Public Health Center Board of Trustees shall conduct the hearings on appeals. Although notice of the hearing must be given to each member of the Board, a quorum is not required in order for the hearing to take place.

c. Hearing. The appeal hearing shall be conducted in accordance with this ordinance. The hearing shall be held as soon as practicable, and in no case later than ten days from the date of receipt of the appeal. The hearing shall be tape-recorded and the tape saved for at least five years. The tape-recording shall be a public record for the purposes of Chapter 610 of the Revised Statutes of the State of Missouri. 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 hearing 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 hearing, 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.

d. 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 circuit court. Petitions for judicial review shall be filed within 30 days after the decision becomes final. Petitions for judicial review shall be governed by the Missouri Rules of Civil Procedure. Unless stayed by order of the Local Health Authority, the Board or a circuit 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.

e. Immediate Judicial Review of Order. In certain circumstances the subject or subjects of a Local Health Authority order may desire immediate judicial review of a Local Health Authority order in lieu of proceeding with the appeal process through the Board. The Local Health Authority may consent to immediate jurisdiction of the appropriate circuit court when requested by the subject or subjects of a Local Health Authority order. Unless stayed by order of the Local Health Authority or a circuit court, the written order for quarantine or isolation shall remain in force and effect until the immediate judicial review is finally determined and disposed of upon its merits.

1.08 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 a 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.
c. The right to be provided with prior notice of the date, time, and location of any hearing.
d. 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.
e. The right to respond and present evidence and argument on the individual's own behalf in any hearing.
f. The right to cross-examine witnesses who testify against the individual.
g. The right to view and copy all records in the possession of the Local Health Authority which relate to the subject of the written order.

1.09 Consolidation of Claims.

In any proceeding brought pursuant to this ordinance, 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 Hearing Officer or the circuit 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 consolidation would constitute the best use of resources.
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.

1.10 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 Local Health Authority may not alter, amend, modify, or rescind the isolation or quarantine order.

b. Assistance of Local Health Authority. If isolation or quarantine is imposed by the Department, the Local Health Authority shall assist in the implementation of the isolation or

quarantine order.

c. Penalty. Pursuant to Missouri Revised Statutes 192.320, any individual who knowingly violates a Local Health Authority order for isolation or quarantine, whether written or oral, shall be deemed guilty of a class A misdemeanor. The punishment for a class A misdemeanor is confinement in the county jail for a term not to exceed one year, or a fine not to exceed one thousand dollars, or by both such confinement and fine.

d. Civil Enforcement Action. In addition to or in lieu of a criminal prosecution, the Local Health Authority, through the prosecuting attorney, may file a civil action in the appropriate circuit court to enforce a Local Health Authority order for isolation or quarantine. Such action shall be filed in accordance with Missouri Rules of Civil Procedure.

1.11 Immunity.

a. Neither Cape Girardeau County, nor any political subdivision in the County, nor any local law enforcement agency, nor the Local Health Authority, nor any of the employees, agents, contractors or volunteers assisting these organizations, shall be held responsible for any lost wages, income or other damages due to the quarantine or isolation imposed hereunder.

1.12 Effective Date.

This ordinance shall be in full force and effect beginning May 22, 2006.

PASSED AND APPROVED this 22nd day of May, 20 06.

Gerald W. Jones, Presiding Commissioner

Larry L. Bock, Commissioner

Jay Purcell, Commissioner

ATTEST:

Rodney Miller, County Clerk