

## **CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES**

Pursuant to the authority of the Polk County Board of Health, as set out in Iowa Code §137.6(2)(2005), the Polk County Board of Health of Polk County, Iowa does hereby approve the following Ordinance:

- 37.1 SCOPE AND PURPOSE**
- 37.2 DEFINITIONS**
- 37.3 GENERAL PROVISIONS**
- 37.4 CONDITIONS AND PRINCIPLES**
- 37.5 ISOLATION OR QUARANTINE PREMISES**
- 37.6 ISOLATION AND QUARANTINE**
- 37.7 APPEAL FROM ORDER IMPOSING ISOLATION OR QUARANTINE**
- 37.8 RIGHTS OF INDIVIDUALS AND GROUPS OF INDIVIDUALS SUBJECT TO ISOLATION OR QUARANTINE**
- 37.9 CONSOLIDATION OF CLAIMS**
- 37.10 IMPLEMENTATION AND ENFORCEMENT OF ISOLATION AND QUARANTINE**
- 37.11 SAVINGS CLAUSE**
- 37.12 INCONSISTENT REGULATIONS REPEALED**
- 37.13 EFFECTIVE DATE**

### **37.1 SCOPE AND PURPOSE**

The Purpose of this Ordinance is to provide for the quarantine and isolation, when necessary, of persons or animals with quarantinable diseases.

### **37.2 DEFINITIONS**

For the purpose of this Ordinance, these words have the following meanings:

- A. “Area Quarantine” means prohibiting ingress and egress to and from a building or buildings or 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 confirmed known chemical, biological, radioactive, or other hazardous or toxic agent.
- B. “Board” means the Polk County Board of Health.
- C. “Department” means the Iowa Department of Public Health.
- D. “Isolation” means the separation of persons or animals presumably or actually infected with a quarantinable disease, or that are disease carriers, for the usual period of communicability of that disease. Isolation shall be in such places,

## CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES

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.

- E. “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. The term 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, severe acute respiratory syndrome (SARS), and others not yet isolated or named.
- F. “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.

### 37.3 GENERAL PROVISIONS

- A. Voluntary Confinement. Prior to instituting mandatory isolation or quarantine pursuant to this Ordinance, 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 particular situation requires. Any quarantine or isolation imposed by the Board shall be established and enforced in accordance with this Ordinance.
- C. Area Quarantine. The Board is authorized to impose and enforce area quarantine restrictions if one of the following conditions is met:
  - 1. A quarantinable disease is suspected or confirmed and quarantine will prevent or contain the spread of the disease; or
  - 2. A suspected or known hazardous or toxic agent is suspected or confirmed and quarantine of an area will prevent or contain the spread of the agent.
  - 3. The owner of the area to be quarantined or the owner’s designee consents to a voluntary area quarantine.

The least restrictive means shall be used in designating an area for quarantine.

## CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES

- D. The Board shall notify, consult and work cooperatively with the Iowa Department of Agriculture and Land Stewardship and the State Veterinarian Office on issues relating to isolation and quarantine of animals.

### 37.4 CONDITIONS AND PRINCIPLES

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

- A. The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a quarantinable disease or suspected quarantinable 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 quarantined individuals subsequently become infected or are reasonably believed to have become infected with a quarantinable disease or suspected quarantinable disease, the individuals 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 quarantinable disease or suspected quarantinable disease.
- F. The needs of isolated or quarantined individuals shall be addressed in a systematic 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. Persons who are subject to quarantine or isolation are “needy” within the meaning of Iowa Code §252.1, and will be evaluated for assistance based on means.
- 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.

## **CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES**

- I. The need for education and protective measures for law enforcement and emergency service personnel will be met by the Board.

### **37.5 ISOLATION OR QUARANTINE PREMISES**

- A. Sites of isolation or quarantine shall be prominently placarded with isolation or quarantine signs prescribed and furnished by the Board 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 Board and shall not go beyond the isolation or quarantine premises.
- C. 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. All parties authorized by the Board to enter isolated or quarantined premises will be equipped with adequate protective equipment.
- D. No individual, other than an individual authorized by the Board, shall enter isolation or quarantine premises except as set out below in 5E. If the Board has requested the assistance of law enforcement in enforcing the isolation or quarantine, the Board 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 Board may be isolated or quarantined pursuant to this Ordinance.

## CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES

### 37.6 ISOLATION AND QUARANTINE

- A. Authority. The Board 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. Designate and maintain areas of isolation and quarantine;
  4. Adopt emergency rules and issue orders as necessary to establish, maintain, and enforce isolation or quarantine; and
  5. Declare a public health emergency or public health disaster.
- B. Isolation and quarantine undertaken by the Board shall be accomplished in accordance with this chapter.
- C. Emergency 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 quarantinable disease or suspected quarantinable disease to others. The Board, in its discretion, may authorize an individual Board member or the Director of the Polk County Health Department to issue the oral order in the Board's absence. If a temporary isolation or quarantine of an individual or groups of individuals occurs 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 quarantinable disease or suspected quarantinable disease.
- D. Emergency Temporary Area Quarantine Without Notice. The Board may temporarily designate and maintain an area of isolation and quarantine through an oral order, without notice, only if delay in imposing the restrictions would significantly jeopardize the Board's ability to prevent or limit the transmission of a quarantinable disease or suspected quarantinable disease to others or the Board's ability to contain a hazardous or toxic substance.
- E. Written Order. The Board may isolate or quarantine an individual or groups of individuals or designate areas to be quarantined through a written order issued pursuant to this Ordinance.

## **CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES**

1. The written order shall include all of the following:
  - i. The identity of the individual, individuals, or groups of individuals subject to isolation or quarantine.
  - ii. The premises subject to isolation or quarantine.
  - iii. The date and time at which isolation or quarantine commences.
  - iv. The suspected quarantinable disease.
  - v. 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.
  - vi. A statement of compliance with the conditions and principles for isolation and quarantine specified in 37.3.
  - vii. The legal authority under which the order is requested.
  - viii. The medical basis upon which isolation or quarantine is justified.
  - ix. A statement advising the individual, individuals, groups of individuals or the owner of the area to be quarantined of the right to appeal the written order pursuant to 37.6 and the rights of individuals and groups of individuals subject to quarantine and isolation as listed in 37.7.
  - x. A copy of this Ordinance and the relevant definitions.
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 in accordance with any applicable process authorized by the Iowa Rules of Civil Procedure. 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 premise and served on the owner of the premises.

### **37.7 APPEAL FROM ORDER IMPOSING ISOLATION OR QUARANTINE**

- 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 Polk County Board of Health, 111 Court Avenue, Des Moines, Iowa 50309. Unless stayed by order of the Board

## CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES

or a district court, the written order for quarantine or isolation shall remain in force and effect, if needed, until the appeal is finally determined and disposed of upon its merits. The subjects will continue to be monitored and may be released if they are no longer ill or contagious.

- B. **Proceeding.** The appeal proceeding shall be conducted in accordance with this Ordinance. 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 quarantinable disease or suspected quarantinable 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 30 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, if needed, until the judicial review is finally determined and disposed of upon its merits.

### **37.8 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.

## **CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES**

- 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 quarantinable disease or suspected quarantinable 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.
- G. The right to be evaluated as "needy" within the meaning of Iowa Code Chapter 252.

### **37.9 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 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 large enough that consolidation would be 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.

### **37.10 IMPLEMENTATION AND ENFORCEMENT OF ISOLATION AND QUARANTINE**

- A. Assistance of the Board with Department Orders. If isolation or quarantine is imposed by the Department and said Order affects individuals located in Polk County, the Board may assist in the implementation of the isolation or quarantine order in the same manner and to the same extent as though the Order had been issued by the Board.



## CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES

- B. **Penalty.** Pursuant to Iowa Code §§137.21 and 139A.25(1), 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 \$500 and imprisonment not to exceed 30 days. Each additional day of neglect or failure to comply with such order after notice of violation by the Board may constitute a separate offense.
- C. **Enforcement Action.** The Board, through the office of the Polk County Attorney, may file a civil action including equitable relief 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.
- D. **Immunity.** Iowa Code §139A.3 provides for immunity:
- Any person who, acting reasonably and in good faith, files a report, releases information or otherwise cooperates with an investigation under Iowa Code Chapter 139A.3 is immune from any liability, civil or criminal, which might otherwise be incurred or imposed for such action.
- E. **Confidentiality.**
- A report or other information provided to or maintained by the department, a local board or a local department, which identifies a person infected with or exposed to a reportable, quarantinable disease or other disease or health condition, is confidential and shall not be accessible to the public.
- F. **Cooperate in Investigation.** A health care provider or public, private or hospital clinical laboratory shall provide the department, local board, or local department with all information reasonably necessary to conduct an investigation pursuant to this chapter upon request of the department, local board or local department. Other public and private entities shall cooperate as appropriate with the local Board of Health. Iowa Code §139A.13A protects employees who cooperate with the order of a local board of health from adverse employment actions.

### 37.11 SAVINGS CLAUSE

If any provision of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

## **CHAPTER 37 QUARANTINE AND ISOLATION OF PERSONS OR ANIMALS WITH COMMUNICABLE DISEASES**

### **37.12 INCONSISTENT REGULATIONS REPEALED**

Any regulations or portions of regulations in conflict herewith are hereby repealed in that respect only.

### **37.13 EFFECTIVE DATE**

This Ordinance shall take effect and be in full force and effect upon approval of the Polk County Board of Health and Polk County Board of Supervisors and upon publication in a newspaper of general circulation in Polk County.

(Ord. No. 245, 12/18/06)

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