

NOTICE

AN ORDINANCE TO ASSURE THAT TIMELY AND EFFECTIVE DECLARATIONS OF TRUE EMERGENCIES RELATIVE TO THE HEALTH AND WELL-BEING OF THE RESIDENTS OF McDONALD COUNTY ARE ENACTED AND TO ASSURE THAT ALL MEASURES ARE TAKEN TO PREVENT AND CONTAIN SECONDARY TRANSMISSION OF DISEASES AND/OR CONDITIONS BY THE MCDONALD COUNTY DEPARTMENT COMMISSION.

BE IT ORDAINED AS FOLLOWS:

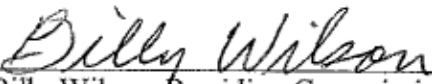
Section 1: The Commission hereby pulmulgates and adopts the Isolation and Quarantine Ordinance No. 03-02 and the Rules and Regulations to give legal authority to institute an isolation or quarantine during a public health emergency involving conditions listed in Executive Order 13295 (see cover sheet) as recommended by the Department of Health and Senior Services. A copy of said Rules and Regulations are made part by reference.

Section 2: The County Clerk is hereby ordered to have the attached Ordinances and Rules and Regulations printed and available in their office and the McDonald County Health Department for distribution to the public.

Section 3. A copy of this order shall be published in a newspaper in this county on three successive weeks with the first publication occurring not later than the passage of this order.

Section 4. The Ordinance and the Rules and Regulations will be placed in effect on October 1, 2003.

Approved this 8th September 2003


Billy Wilson, Presiding Commissioner


Lawrence Myers, Eastern Commissioner


Gayle Brock, Western Commissioner


Attest: Joyce Helm, County Clerk

COVER SHEET FOR ISOLATION AND QUARANTINE ORDINANCE

McDonald County Health Center Position:

Isolation and quarantine are two common public health strategies which aim to protect the public by preventing exposure to infected or potentially infected individuals. Our position is that a local ordinance needs to be created to give legal authority to institute an isolation or quarantine during a public health emergency involving conditions listed in Executive Order 13295 (see below). Although enforcement of an isolation or quarantine is difficult at best, during a public health emergency, isolation or quarantine may be the only option available to prevent the spread of a communicable disease.

Missouri Revised Statutes, Chapter 205, County Health and Welfare Programs, Section 205.100: August 28, 2002

Director of public health center – appointment.

205.100. The county commission or commissions shall annually at their February meeting, appoint the director of the public health center as county health officer and such county health officer shall exercise all of the rights and perform all of the duties pertaining to that office as set forward under the health laws of the state and rules and regulations of the department of health and senior services.

Centers for Disease Control and Prevention (CDC) Quarantine Authority:

Title 42 United States Code section 264 (Section 361 of the Public Health Service Act) gives the Secretary of Health and Human Services responsibility for preventing the introduction, transmission, and spread of communicable diseases from foreign countries into the United States and within the United States and its territories/possessions. This statute is implemented through regulations found at 42 CFR Parts 70 and 71. Under its delegated authority, the CDC is empowered to detain, medically examine or conditionally release individuals suspected of carrying a communicable disease.

Quarantinable Communicable Diseases: (Executive Order 13295)

Based upon the recommendation of the Secretary of Health and Human Services (the "Secretary"), in consultation with the Surgeon General, and for the purpose of specifying certain communicable diseases for regulations providing for the apprehension, detention, or conditional release of individuals to prevent the introduction, transmission, or spread of suspected communicable diseases, the following communicable diseases are hereby specified pursuant to section 361(b) of the Public Health Service Act:

(a) Cholera; Diphtheria; infectious Tuberculosis; Plague; Smallpox; Yellow Fever; and Viral Hemorrhagic Fevers (Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named).

(b) Severe Acute Respiratory Syndrome (SARS), which is a disease associated with fever and signs and symptoms of pneumonia or other respiratory illness, is transmitted from person to person predominantly by the aerosolized or droplet route, and, if spread in the population, would have severe public health consequences.

Definitions:

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. 19 CSR 20-20.010 (7)

Exposure: is defined as contact with, absorption, ingestion or inhalation of chemical, biologic, radiologic, or other physical agents by a human that results in biochemical, physiological or histological changes. 19 CSR 20-20.010 (13)

Reportable Disease: is any disease or condition for which an official report is required. Any unusual expression of illness in a group of individuals which may be of public health concern is reportable and shall be reported to the local health department, local health authority or the Department of Health by the quickest means. 19 CSR 20-20.010 (32)

Unusual Diseases: Examples include, but are not limited to, the following: 19 CSR 20-20.010 (36)

- A. Disease uncommon to a geographic area, age group, or anatomic site;
- B. Cases of violent illness resulting in respiratory failure;
- C. Absence of a competent natural vector for a disease; or
- D. Occurrence of hemorrhagic illness.

Unusual Manifestation of Illness: Examples include, but are not limited to, the following: 19 CSR 20-20.010 (37)

- A. Multiple persons presenting with a similar clinical syndrome at a steady or increasing rate.
- B. Large numbers of rapidly fatal cases, with or without recognizable signs and symptoms;
- C. Two or more persons, without previous medical history, presenting with convulsions;
- D. Persons presenting with grayish colored tissue damage; or
- E. Adults under the age of fifty years, without previous medical history, presenting with adult respiratory syndrome (ARDS)

ISOLATION AND QUARANTINE ORDINANCE

PURPOSE

To assure that timely and effective declarations of true emergencies relative to the health and well-being of the residents of the McDonald County are enacted and to assure that all measures are taken to prevent and contain secondary transmission of diseases and/or conditions.

DEFINITIONS:

Isolation is the separation for the period of communicability of infected individuals and animals from other individuals and animals, in places and under conditions as will prevent the direct or indirect transmission of the infectious agent from infected individuals or animals to other individuals or animals who are susceptible or who may spread the agent to others. 19 CSR 20-20.010 (22)

Quarantine is a period of detention for persons or animals that may have been exposed to a reportable disease. The period of time will not be longer than the longest period of communicability of the disease. The purpose of quarantine is to prevent effective contact with the general population. 19 CSR 20-20.010 (31)

- (A) Complete quarantine is a limitation of freedom of movement of persons or animals exposed to a reportable disease, for a period of time not longer than the longest period of communicability of the disease, in order to prevent effective contact with the general population.
- (B) Modified quarantine is a selective, partial limitation of freedom of movement of persons or animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the closure of schools and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease from engaging in a particular occupation.

Embargo, for the purposes of this ordinance, is the detention of food, medicine, supplies, equipment or other materials until such time as a determination can be made as to whether the products or items require condemnation and destruction in the interest of safeguarding public health, whether the items are safe or may be salvaged, decontaminated or disinfected.

BE IT RESOLVED THAT:

I. Declaration of Public Health Emergency. The Administrator of the McDonald County Health Department or the Administrator designated representative, shall have the power to declare a *public health* emergency or crisis and establish such isolation, quarantine and/or embargo as may be deemed necessary to protect the health and well-being of the residents and citizens of McDonald County, against infectious, contagious, communicable, dangerous, or unusual diseases and conditions. Those diseases include but are not limited to those listed in 19 CSR 20-20.010 (36) and (37) and 19 CSR 20-20.040, 19 CSR 20-20.050 and 19 CSR 20-20.060, and Chapter 196 R.S. Mo.

II. Notice and Assistance If there is an imminent public health danger requiring the establishment of isolation, quarantine or embargo, the McDonald County Health Department Administrator or designee shall immediately notify the McDonald County Emergency Management Director who shall then assist with notifying and obtaining the assistance of law enforcement and other necessary personnel, as further set forth in the McDonald County Emergency Operations Plan. The Administrator shall work in conjunction with the McDonald County Emergency Management Director, and such local law enforcement, the Missouri Department of Health and Senior Services and laboratory, medical personnel and Centers for Disease Control and Prevention, as she/he deems necessary.

III. Authority of Director The Administrator, McDonald County Health Department shall have authority within McDonald County to do one or more of the following:

- a.) Identify persons subject to quarantine and/or isolation, whether by name, by group, by location or by any other reasonable means;
- b.) Determine the geographic boundaries of the quarantine or isolation, and, in connection therewith, post signs, cause doors to be locked or guarded and/or roadways to be blocked;
- c.) Establish precautions to be taken by emergency personnel and any other persons entering or leaving the quarantine or isolation area;
- d.) Assist in making arrangements for food, shelter and medical care for any persons subject to quarantine or isolation;
- e.) Establish zones within a quarantine area depending upon likelihood of exposure.
- f.) Authorize the movement and method of transportation of persons subject to quarantine or isolation.
- g.) Determine and establish the length of time which the quarantine or isolation is imposed;
- h.) Close any school or place of public or private assembly
- i.) Inspect any premise that she/he has reasonable grounds to believe are in a condition conducive to the spread of any communicable disease;
- j.) Collect specimens or samples for laboratory analysis to confirm or rule out the presence of biological, chemical or physical agents and determine the source of the infection, epidemic or exposure;
- k.) Confer with medical advisors, laboratories or others making report of such conditions;
- l.) Make a complete epidemiological, environmental or occupational industrial hygiene investigation and record the findings as indicated.

- m.) Provide the opportunity to immunize all contacts of persons suffering from the disease (if available)
- n.) Establish other control measures including disinfection or decontamination
- o.) Order examinations necessary to determine presence of food borne, water-borne or vector-borne infection or disease
- p.) Exclude persons who are infected with a communicable disease from the production, preparation, manufacture, packaging, storage, sale, distribution or transportation of foods;
- q.) Exclude food supplies known or suspected to transmit food borne infection from distribution and use, and order the destruction of embargoed foods and supplies pursuant to the provisions of Chapter 196 R.S.Mo.

IV. Penalty for violation of quarantine, isolation or embargo. Any quarantined or isolated person who leaves the boundary established, or who intentionally exposes or contacts another person shall, upon conviction, be guilty of a County Offense punishable by a fine of not more than five hundred dollars, or imprisonment for not more than 90 days, or both. Each occasion is a separate offense.

Any unauthorized person who enters or leaves an area of isolation or quarantine shall, upon conviction, be guilty of a County Offense punishable by a fine of not more than five hundred dollars, or imprisonment for not more than 90 days, or both. Each occasion is a separate offense.

Any unauthorized person who moves or attempts to move any quarantined or embargoed person or item shall, upon conviction, be guilty of a County Offense punishable by a fine of not more than five hundred dollars, or imprisonment for not more than 90 days, or both. Each occasion is a separate offense.

V. Rights of affected persons. Any person subject to a quarantine or isolation shall have access to telephone, wireless communication and email communication, to the extent available. Any person subject to isolation or quarantine shall be entitled to petition the court for a declaration as to whether the imposition of this ordinance upon him or her is reasonable under the circumstances, and to a hearing before a circuit court judge on an expedited basis. Said person may present evidence by telephone or other electronic means.

AUTHORITY

Chapters 192.010 et sec, 196.010 et sec, 205.010 et sec including 205.100 which provides "The county commission or commissions shall annually at their February meeting, appoint the director of the public health center as county health officer and such county health officer shall exercise all of the rights and perform all of the duties pertaining to that office as set forward under the health laws of the state and rules and regulations of the department of health and senior services". (For those laws – see Chapter 192.020 and 192.260 RSMo)

Also 19 CSR 20-20.020, 19 CSR 20-20.010(36) and (37), 20-20.040, 050, .060