

Ingham County Health Department
Emergency Detention for Public Health Threats

Policy: Pursuant to MCL 333.5207, the Ingham County Health Department ("ICHHD") Communicable Disease Department will have a procedure for determining whether a public health threat exists and the steps to take when an emergency public health threat exists. The procedure involves obtaining an Ex Parte emergency order from the Circuit Court that allows for the detention of an individual or individuals. Ex Parte is a legal term that means a judicial proceeding that is brought for the benefit of one party only (ICHHD), without notice to the other party (the individual(s) who presents the public health threat). The policy covers both for community public health threats and individuals deemed a health threat to others.

Purpose: Ingham County Health Department Communicable Disease Department is responsible for protection of public health of the residents of Ingham County. Therefore, a policy and procedure must be in place to seek and serve emergency orders, both during working hours and hours when the agency is closed.

Standard: All Ingham County Health Department Communicable Disease staff will utilize the following procedures when emergency orders are needed.

Guidelines: To obtain emergency detention orders for individuals deemed a health threat to others and for community public health emergencies.

During Working Hours

1. Communicable Disease Department receives a report of a possible public health emergency or of an individual who is a potential health threat to others.
2. Communicable Disease staff:
 - A. Investigates the report (including county of residence)
 - B. Document findings (person, place, actions)
 - C. Pursuant to MCL 333.5207, the Ingham County Health Department Communicable Disease Department determines that an individual is a health threat to others or that an event is an emergent public health threat and that an individual or individuals need to be detained.

- D. Consults with Disease Control Supervisor, Medical Director, and/or Health Officer.
 - E. The Ingham County Health Department contacts the local hospital and/or location where individual will be detained that a temporary detention order has been issued and the precautions that need to be taken.
 - F. Initiate action to obtain the emergency order (complete the forms listed in item 5 below. Contact Health Officer or designee to obtain approval and signature on forms, Health Officer or designee's signature must be witnessed by a notary. The notaries in the Health Department are listed on the attached sheet).
3. The Disease Control Supervisor and/or the Health Officer (or designee) contact Ingham County Health Department legal counsel requesting them to petition the Circuit Court for an emergency detention order.
 4. Ingham County Health Department legal counsel petitions Circuit Court for emergency order to detain the individual(s).
 5. After receiving the petition from legal counsel, the Circuit Court holds a hearing. Forms needed for the hearing are as follows:
 - A. Affidavit to Accompany Petition for Transport and/or Temporary Detention (PC 109) (Attachment 1)
 - B. Petition and Ex Parte Order for Transport and/or Temporary Detention (PC110) (Attachment 2)
 - C. If the Ex Parte Order is signed and a hearing date can be scheduled, Notice of Hearing on Petition for Treatment of Infectious Disease (PC105) (Attachment 3)
 - D. Lab results or other evidence, if necessary, should be included with the Petition.
 6. The Circuit Court judge issues a temporary detention order if the Ingham County Health Department can show that an emergency public health threat and/or health threat to others exists.
 7. Legal counsel and the Ingham County Health Department representative contact local law enforcement in the individual's geographic area and provide them the order and the health precautions that need to be taken. The Health Department representative must keep a copy of the order for their file.

- A. Jurisdictions that have their own law enforcement: City of Lansing, City of East Lansing, Meridian Township, Leslie, Williamston, Lansing Township.
 - B. Jurisdictions in which the Ingham County Sheriff's Office should be contacted: Delhi Township, Stockbridge, Webberville, Alaieton Township, Bunker Hill.
 - C. For all others, check the telephone book.
8. Law enforcement locates the individual(s), and serves the order.
 9. The individual(s) is taken into custody by local law enforcement and transported to an appropriate emergency care or treatment facility for observation, examination, testing, diagnosis and/or treatment.
 10. After locating and detaining the individual(s), request that local law enforcement:
 - A. Inform Ingham County Health Department legal counsel and/or Ingham County Health Department Communicable Disease Department.
 - B. Complete the bottom portion of the form entitled "Petition and Ex Parte Order for Transport and/or Temporary Detention" and files it with the Court.
 11. Pursuant to MCL 333.5207(3), the individual cannot be temporarily detained for longer than 72 hours, excluding Saturdays, Sundays, and legal holidays, without a court hearing involving the individual to determine if the detention should continue. Therefore, if the Court can schedule the hearing date at the time the Ex Parte Order is signed, then the Notice will be served on the individual when detained. If the hearing date is not scheduled until the next working day, the Notice will be served on the individual as soon as possible thereafter but not less than 24 hours before the hearing is held.
 12. Thereafter, the Ingham County Health Department will follow the statutory requirements necessary to request continued detention.

Non Working Hours (after hours, weekends, holidays)

1. Ingham County Health Department Communicable Disease Department receives a report of a possible public health emergency or of an individual who is a potential health threat to others from an individual, community agency or Ingham County Health Department.
2. Communicable Disease staff:
 - A. Investigates the report (including County of residence of individual)
 - B. Documents findings
 - C. Pursuant to MCL 333.5207, the Ingham County Health Department Communicable Disease Department determines that an individual is a health threat to others or that an event is an emergent public health threat and that an individual or individuals need to be detained.
 - D. Consults with administrator on-call.
 - E. The Ingham County Health Department contacts the local hospital and/or location where individual will be detained that a temporary detention order has been issued and the precautions that need to be taken
 - F. Initiate action to obtain the emergency order (complete forms listed in item 3 below, contact Health Officer or designee to obtain approval and signature on forms, Health Officer or designee's signature must be witnessed by a notary. The notaries in the Health Department are listed on the attached sheet).
3. The Ingham County Health Department will access the Circuit Court Judge telephone list provided by the Court. Only the Health Officer, Medical Director, and/or the Disease Control Supervisor or their designees will have access to this telephone list.
4. The Ingham County Health Department will meet where requested by the Circuit Court Judge and present evidence to the Court to demonstrate that an emergency health threat or emergent public health event exists. The Ingham County Health Department will present the following to the Circuit Court Judge:
 - A. Affidavit to Accompany Petition for Transport and/or Temporary Detention (PC 109) (Attachment 1)
 - B. Petition and Ex Parte Order for Transport and/or Temporary Detention (PC110) (Attachment 2)

- C. If the Ex Parte Order is signed and a hearing date can be scheduled, Notice of Hearing on Petition for Treatment of Infectious Disease (PC105) (Attachment 3)
 - D. Lab results or other evidence, if necessary, should be included with the Petition.
5. The Circuit Court Judge issues a temporary detention order, if the Ingham County Health Department can show that an emergency public health threat exists.
6. The Ingham County Health Department representative contact local law enforcement in the individual's geographic area to provide order and health precaution instructions.
- A. Jurisdictions that have their own law enforcement: City of Lansing, City of East Lansing, Meridian Township, Leslie, Williamston, Lansing Township.
 - B. Jurisdictions in which the Ingham County Sheriff's Office should be contacted: Delhi Township, Stockbridge, Webberville, Alaiedon Township, Bunker Hill.
 - C. For all others, check the telephone book.
7. Law enforcement locates the individual(s), and serves the order.
8. The individual(s) is taken into custody by local law enforcement and transported to an appropriate emergency care or treatment facility for observation, examination, testing, diagnosis and treatment.
9. After locating and detaining the individual(s), request that local law enforcement:
- A. Inform Communicable Disease Department.
 - B. Complete the bottom portion of the for entitled "Petition and Ex Parte Order for Transport and/or Temporary Detention."
10. Pursuant to MCL 333.5207(3), the individual cannot be temporarily detained for longer than 72 hours, excluding Saturdays, Sundays, and legal holidays, without a court hearing to determine if the detention should continue. Therefore, if the Court can schedule the hearing date at the time the Ex Parte Order is signed, then the Notice will be served on the individual when detained. If the hearing date is not scheduled at that time, then the Ingham County Health Department must get the Notice signed by the next working day. The Notice must then be served by the Ingham County Health Department on the individual as soon as possible thereafter but not less than 24 hours before the hearing is held.

11. Thereafter, the Ingham County Health Department will follow the statutory requirements necessary to request continued detention.
12. Ingham County Health Department may contact legal counsel for assistance with continued detention.

Approved: _____
Date

Revised: _____
Date

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