

Best Practices in Isolation and Quarantine

Survey Worksheet: Part I- Legal Basis of Isolation and Quarantine

The Best Practices in Isolation and Quarantine Assessment is a project funded by the Robert Wood Johnson Foundation to identify best legal practices, as well as health department policies and procedures, for implementation of isolation and quarantine. This tool is being disseminated by the Council of State and Territorial Epidemiologists to State Epidemiologists in all 50 states and the District of Columbia.

This worksheet contains questions for Part I: Legal Basis of Isolation and Quarantine. Please distribute this worksheet freely to anyone who may be able to assist in answering the questions, such as legal counsel. The completed worksheet should be returned to the State Epidemiologist for online submission. CSTE expects final responses from State Epidemiologists by March 3, 2009.

The State's responses to this assessment are confidential. Data will be reported in aggregate. State-specific data will not be published and names will not be associated with the data during analysis. Project staff will have sole access to the data and identifiers.

Please answer all questions as completely as possible.

Additional copies of this worksheet may be downloaded online at:
<http://tinyurl.com/c6wbat>

Thank you in advance for your participation!

For technical assistance or general questions about the assessment, please contact:
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Council of State and Territorial Epidemiologists

Leaders in Applied Public Health Epidemiology

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2. Survey Introduction

The following definitions apply to this assessment and are available at:
<http://www.cdc.gov/ncidod/sars/factsheetlegal.htm>

In general, ISOLATION refers to the separation of persons who have an infectious illness from those who are healthy and the restriction of their movement to stop the spread of that illness. Isolation is a standard procedure used in hospitals for patients with tuberculosis and certain other infectious diseases.

QUARANTINE generally refers to the separation and restriction of movement of persons who, while not yet ill, have been exposed to an infectious agent and therefore may become infectious. Quarantine of exposed persons is a public health strategy, like isolation, intended to stop the spread of infectious diseases.

The communicable diseases for which Federal isolation and quarantine are authorized are established by Presidential order and currently include infectious TB, cholera, diphtheria, plague, smallpox, yellow fever, viral hemorrhagic fevers, severe acute respiratory syndrome (SARS), and influenza with pandemic potential.

* 1. Please identify a contact person in your agency for this assessment:

Name:	<input type="text"/>
Title:	<input type="text"/>
Agency:	<input type="text"/>
Street Address:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
ZIP/Postal Code:	<input type="text"/>
Email Address:	<input type="text"/>
Phone Number:	<input type="text"/>

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3. Legal Basis for Isolation & Quarantine

Part I: Legal Basis for Isolation and Quarantine.

Please consult with legal counsel to answer the questions in this section. Part I contains 20 questions and takes approximately 25 minutes to complete. You must click the "Next" link at the bottom of the page to save your work.

1. Do your state isolation and quarantine laws exist as statutes (written laws passed by legislature) or as regulations (administrative rules with the force of law promulgated and enforced by government agencies)?

Statutes

Regulations

Both

Neither- no isolation and quarantine laws exist

2. When were the state's isolation and quarantine laws last revised?

< 2 years

2 to 5 years

6 to 10 years

> 10 years

3. Where do the laws and statutes related to isolation and quarantine reside?

State Public Health Code

Other (please specify)

4. Does the code specify a length of time that state and local public health officials can detain an individual or groups of persons for quarantine or isolation? If so, please specify length of time.

Yes

No

Yes (please specify)

5. Does the state law provide for due process for individuals and groups (i.e. procedural protections requiring a judicial hearing either before or after quarantine is imposed)?

	Individual	Groups
Yes	<input type="radio"/>	<input type="radio"/>
No	<input type="radio"/>	<input type="radio"/>

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6. Have the state and local health departments promulgated regulations to implement due process when isolation and quarantine are ordered?

Yes

No

7. Does the state code differentiate isolation and quarantine procedures and response based on the number of persons affected (e.g. individual vs. groups of persons)?

Yes

No

8. Do the legal criteria for differentiating procedures and response based on number of persons affected reside in statutes or regulations?

Statutes

Regulations

Not Applicable

9. Which of the following persons have independent legal decisionmaking authority to declare an emergency for epidemics or other communicable disease threats and/or implement isolation and quarantine of INDIVIDUALS or GROUPS OF PERSONS? (Check all that apply)

	Emergency Declarations	Quarantine of Individuals	Isolation of Individuals	Quarantine of Groups	Isolation of Groups
Governor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Health Officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chief Medical Executive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Epidemiologist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Director of Emergency Preparedness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local Health Officer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other designee (please specify)

10. Has the person(s) with legal authority to order quarantine and/or isolation provided written formal guidance to state and local public health officials on how to proceed with implementation of quarantine/isolation?

Yes

No

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11. Who has the state public health agency identified to serve as "legal adviser" to provide interpretation of quarantine and isolation authority? (Check all that apply)

- Attorney General
- Health Department Chief Counsel
- Other legal counsel (please specify)

12. Has the legal adviser issued formal guidance on how to meet individual and group due process requirements?

Yes

No

13. Does the State Health Officer have express authority to order isolation and quarantine in the absence of a declared emergency?

Yes

No

14. In the event of a legal challenge to an isolation or quarantine order authorized by the local public health agency, who has authority to override the order? (Check all that apply)

- Governor
- State Health Officer
- Chief Medical Executive
- State Epidemiologist
- CDC Official
- N/A- no legal authority to override a local order
- Other (please specify)

15. From your state's perspective, does the CDC or other federal entity have the legal authority to mandate individual or group isolation or quarantine?

Yes

No

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16. If CDC or another federal entity mandates individual or group isolation or quarantine in your state, which governmental entity bears the attendant costs? (Check all that apply)

- State Health Department
- Local Health Department
- CDC/Other federal agency
- Not applicable- CDC/federal entity has no legal authority to mandate individual or group quarantine in my state
- Other (please specify)

17. Does the state public health agency have memoranda of understanding (MOU) on isolation and quarantine with any of the following? (Check all that apply)

- CDC Quarantine Station
- Law Enforcement
- Tribal Health Board
- Emergency Medical Services
- Local Government
- Indian Health Center
- Local Health Department
- Other (please specify)

18. Do isolation and quarantine laws in your state mandate MOUs with law enforcement or Emergency Medical Services?

Yes

No

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19. Does state law mandate/provide for the following quarantine/isolation (Q&I) procedures?

If YES, identify whether the law exists as a STATUTE, REGULATION, or BOTH. If NO, choose NO LEGAL MANDATE.

	Statute	Regulation	Both	No Legal Mandate
Due process for individuals	jñ	jñ	jñ	jñ
Due process for groups	jñ	jñ	jñ	jñ
Drills/exercises for state and local public health to test Q&I procedures & capabilities	jñ	jñ	jñ	jñ
Provision of incentives to private citizens to enhance Q&I compliance	jñ	jñ	jñ	jñ
Job protection for those placed in Q/I	jñ	jñ	jñ	jñ
Income replacement for those placed in Q/I	jñ	jñ	jñ	jñ
Use of "least restrictive alternative" when ordering Q&I	jñ	jñ	jñ	jñ

20. Please describe any deficiencies in the legal authority in ordering or enforcing isolation/quarantine as identified by the state public health agency or state Attorney General. If no deficiencies have been identified please type "N/A".

Please return the completed worksheet to the State Epidemiologist.