

FINAL REPORT FORENSIC EPIDEMIOLOGY

QUARANTINE TASK FORCE

GEORGE BOND, CHAIR

JUNE 13, 2003

INTRODUCTION

In the fall of 2002, the Center for Disease Control invited top law enforcement and public health officials together for a meeting in Chapel Hill around the subject of Forensic Epidemiology. This meeting perhaps for the first time brought together law enforcement and public health personnel from the highest level in a controlled environment where they worked through a series of scenarios regarding public health incidents, disasters bioterrorist attacks. This workshop was a pilot program and we had observers from all over the United States. The pilot has since been expanded into four other regional workshops sponsored across the United States. When we came home, Captain Lee Farnsworth of the Buncombe County Sheriff's Department realized that there was still much to be done locally to try to put some flesh on the bones of what we had learned in Chapel Hill. He and Pat Fugate with the Public Health Regional Surveillance Team called together all of our local public health, emergency preparedness, fire and rescue, Asheville Police and the Buncombe County Sheriff's Department, State Bureau of Investigation, and Federal Bureau of Investigation to recreate on the local level what had been done at that state meeting.

Out of that series of meetings came two task forces, one was to focus on developing field response templates for use by officers on the job to help them to properly respond to a public health bioterrorist emergency. The other task force was developed to study issues around practical implications of quarantine – when to do it, how to do it, how to enforce it, and how to make it effective. The Quarantine Task Force has met on numerous occasions and what follows is the result of their work. I caution the reader that everything in this document is still labeled “draft” not because the information is incorrect or that the authors don't have confidence in the work, but rather because the work is untried at this point. We therefore ask that any person using this manual accept our disclaimer that while we have worked long and hard on putting together these results, they should be taken as a recommendation and not hard and fast principle which has stood the test of time and court challenges.

EXECUTIVE SUMMARY

The work of the Task Force was divided into three areas. First, we felt the need to develop an algorithm to help us think through the quarantine process. Nancy Gatewood, Nursing Director of the Buncombe County Health Center, was responsible for this section.

Secondly, we felt it important to develop "draft" orders in template format that would meet legal challenges and be ready to be used on a moments notice as almost a "fill in the blank" form. Kate Dreher, Assistant District Attorney, and Dr. Susan Mims, Medical Director of the Health Center, developed the legal documentation

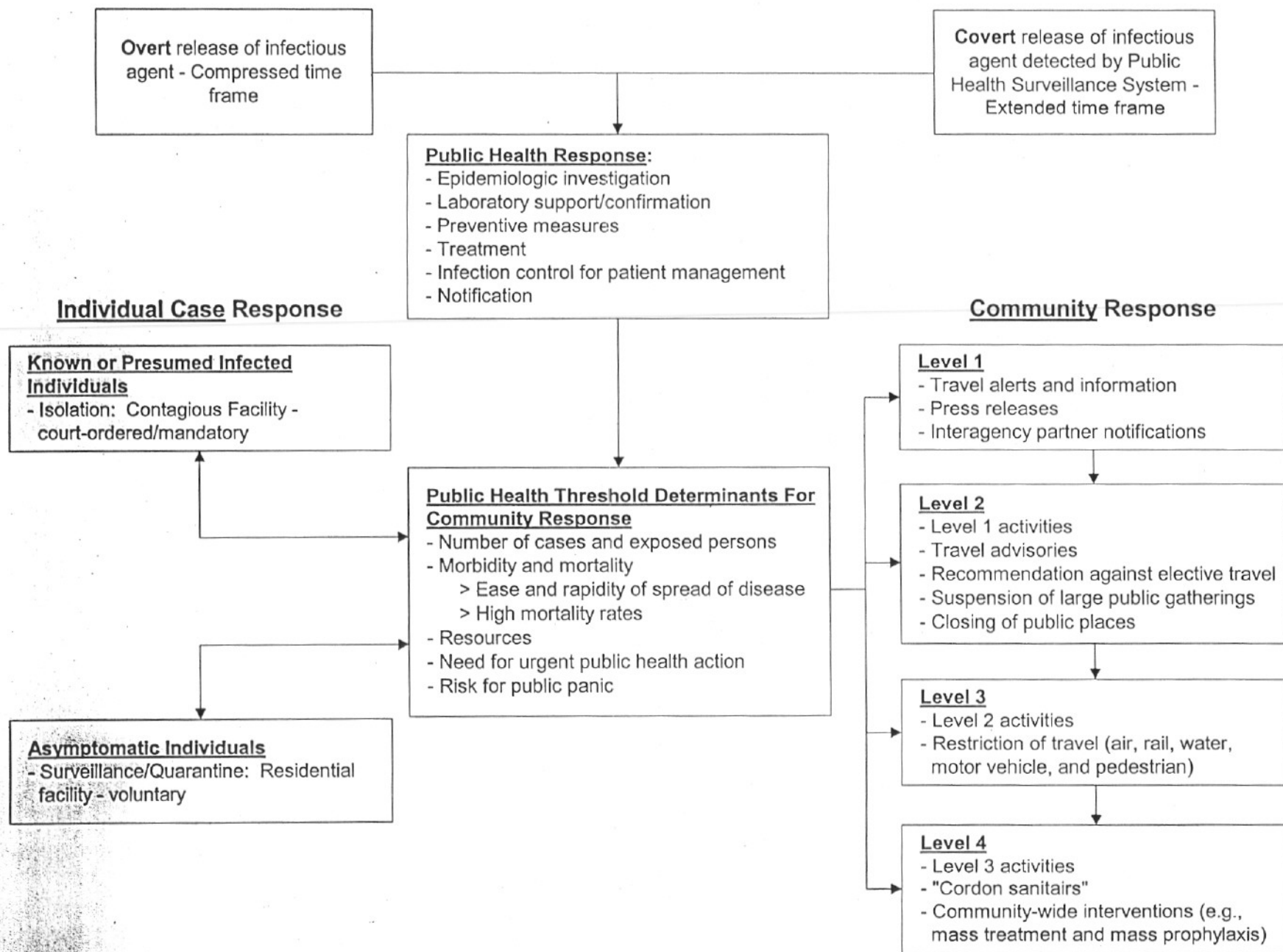
Lastly, we knew that we would need additional space for quarantine and isolation and wanted to have in place a Memorandum of Understanding between our schools, our City, our County, and the Health Department as to these units of government making available their space in an emergency situation for use in isolation and quarantine. Mr. Layton Long, Director of Environmental Health at the Health Center, developed the Memorandum of Understanding.

potential release of innocuous agents and to help the reader think through both the individual case response as well as the community response. The group frankly tried to be more definitive in developing the algorithm making it more of a cookbook that required less thought but frankly speaking, infectious agent events don't lend themselves well to cookbook approaches that can be applied almost mindlessly by untrained staff. Professional judgment always will be involved and in this case it will be a fairly high level of professional judgment. Also attached to this algorithm are signs developed by our Task Force translated into Spanish, that will be useful if a quarantine is ordered.

(Attached on following page)

Isolation/Quarantine Guidelines

Response Measures to a Suspected Biological Agent



Legal Orders

Ms. Kate Dreher, Assistant District Attorney, did the extensive review of the literature and the law prior to developing the order which follows. She also pointed out that it is the responsibility of the local Health Director to issue the first order and that is properly done without involving the court system. If the order needs to be extended beyond ten days, then the District Attorney would play a role in helping the Health Director take the case to the courts. The order which Ms. Dreher developed includes a process for appeal as part of the order should the affected person wish to appeal the order. We have subsequently been supplied with a "draft" order from Mr. Chris Hoke, Attorney with the Department of Public Health which is very similar except that his does not include the appeal language. We in Buncombe County believe that Ms. Dreher is best suits our needs.

(information on following pages)

people who are not showing signs of the disease but have had a known exposure)

Pursuant to the authority vested in the Local Health Director in the County of Buncombe by North Carolina General Statutes §130A-145(hereafter NCGS):

individual(s) unless you are trying to quarantine a place, in which case you should state "all individuals found occupying the premises at" (list the address and give a description of the premises, e.g. a white two story home with a wrought iron porch) "as of" _____ (fill in the date of the quarantine order).

[Has/have been determined to have had a known exposure to](for quarantine) or [is reasonably believed to have](for isolation)

_____ (specify the agent or disease)]

which is included on the list of communicable diseases established by the Commission for Health Services for the state of North Carolina pursuant to NCGS §130A-134 and set forth in 15A North Carolina Administrative Code §19A-.0101 et.seq. (hereafter NC Admin Code) and/or is included in Executive Order 13295: Revised List of Quarantinable communicable diseases.

_____ (name the individual or state "all individuals found occupying the premises at" _____ (the address listed above) are hereby **ORDERED TO COMPLY** with the following control measures required by State law NCGS §130A-144 and all relevant provisions of 15A-NCAdmin Code § 19A.0208:

- REMAIN AT HOME FOR _____ (specify time, no greater than 10 days); DO NOT LEAVE YOUR HOUSE AND DO NOT HAVE ANYONE VISIT YOU AT HOME

- (fill in any other control measures authorized by NCGS §130A-144, the NC Administrative Code, The Control of Communicable Diseases Manual or which you deem to be necessary based on recent scientific and public health information)

This ORDER is effective until _____ (you can go up to 10 days total). **IT IS A MISDEMEANOR PUNISHABLE BY UP TO TWO YEARS IN PRISON TO VIOLATE THIS ORDER.** You may request a hearing by a Superior Court Judge if you wish to have this order reviewed. **THIS ORDER REMAINS IN EFFECT PENDING THE OUTCOME OF ANY HEARING YOU MAY REQUEST.** You may hire a lawyer to represent you or, if you are indigent, the Court will appoint you a lawyer. **Do not violate this Order to come to a court to request a hearing.** Make telephone contact with an attorney or contact _____ (each jurisdiction will have to check with the Senior Resident Superior Court Judge to get guidance on how the Court wishes to appoint counsel for someone who wants to immediately request a hearing on the Order; for example the Court might have people aggrieved contact the Clerk's Office for appointment).

The staff of the Health Center is available to provide assistance and counseling to you concerning this matter. The contact number for the Health Center is _____.

Health Director, (Your County) Health Center

Date

Issued by: _____

Date

Received by _____

Date

*****EXERCISE PURPOSES ONLY*****

YOUR COUNTY HEALTH CENTER
QUARANTINE ORDER

Pursuant to the authority vested in the Local Health Director in the County of Buncombe by North Carolina General Statutes NCGS §130A-145(hereafter NCGS):

There is reason to believe that _____ has been determined to have had a known exposure (incidental, intimate, extended contact) to stated disease;

Stated disease is included on the list of communicable diseases established by the Commission for Health Services for the state of North Carolina pursuant to NCGS §130A-134 and set forth in 15A North Carolina Administrative Code §19A-.0101 et.seq. (hereafter NC Admin Code) and/or is included in Executive Order 13295: Revised List of Quarantinable communicable diseases.

All individuals noted above are hereby **ORDERED TO COMPLY** with the following control measures required by State law NCGS §130A-144 and all relevant provisions of 15A-NCAdmin Code §19A.0208:

- **REMAIN AT HOME FOR _____ (specify time, no greater than 10 days); DO NOT LEAVE YOUR HOUSE AND DO NOT HAVE ANYONE VISIT YOU AT HOME**
- _____
- _____

Signature: _____
Local Health Director, George Bond

Date: _____

Issued by: _____

Date: _____

Received by: _____

Date: _____

The staff of the Health Center remains available to assist you in dealing with your exposure or illness. You may contact us at _____.

This Order is effective until _____. **It is a misdemeanor punishable by up to two years in prison to violate this order.** You may hire a lawyer to request a hearing to have a Superior Court Judge review this Order. If you are indigent the Court will appoint you a lawyer. **Do not violate this order to come to court to request a hearing.** Make telephone contact with an attorney or contact (phone number of whomever the Senior Resident Superior Court Judge directs to be used in your jurisdiction) to request a hearing.

EXERCISE DRAFT ONLY
YOUR COUNTY HEALTH CENTER
ISOLATION ORDER

Pursuant to the authority vested in the Local Health Director in the County of Buncombe by North Carolina General Statutes §130A-145(hereafter NCGS):

There is reason to believe that John Smith/Jane Doe is exhibiting symptoms consistent with stated disease; stated disease is included on the list of communicable diseases established by the Commission for Health Services for the state of North Carolina pursuant to NCGS §130A-134 and set forth in 15A North Carolina Administrative Code §19A-.0101 et.seq. (hereafter NC Admin Code) and/or is included in Executive Order 13295: Revised List of Quarantinable communicable diseases.

John Smith/Jane Doe is hereby **ORDERED TO COMPLY** with the following control measures required by State law NCGS§130A-144 and all relevant provisions of 15A-NCAdmin Code §19A.0208:

- **REMAIN AT HOME FOR _____** (specify time, no greater than 10 days); **DO NOT LEAVE YOUR HOUSE AND DO NOT HAVE ANYONE VISIT YOU AT HOME**
- _____
- _____
- _____

Buncombe County Health Director

Date

Issued by

Date

Received by

Date

The staff of the Health Center remains available to assist you in dealing with your exposure or illness. You may contact us at _____.

This Order is effective until _____. **IT IS A MISDEMEANOR PUNISHABLE BY UP TO TWO YEARS IN PRISON TO VIOLATE THIS ORDER.** You may hire a lawyer to request a hearing to have a Superior Court Judge review this Order. If you are indigent the Court will appoint you a lawyer. **Do not violate this ORDER to come to court to request a hearing.** Make telephone contact with an attorney or contact _____ (phone number of whomever the Senior Resident Superior Court Judge directs to be used in your jurisdiction) to request a hearing.

Sources considered:

North Carolina General Statutes, §§130A-134 through 150
(Public Health Law, Article 6, Communicable Diseases)

15A North Carolina Administrative Code §19A-.0101 et.seq.

Control of communicable Diseases Manual, James Chin, MD, MPH, Editor
An official report of the American Public Health Association

The Model State Emergency Health Powers Act
A Draft for Discussion Prepared by: The Center for Law and the Public's Health At Georgetown
and Johns Hopkins Universities (Lawrence O. Gostin, J.D., LL.D (Hon.), Professor and Director)

HEALTH LAW, Number 78, October 2001, Responding To Biological Threats: The Public
Health System's Communicable Disease Control Authority (Jill Moore, Institute of Government,
The University of North Carolina at Chapel Hill)

Testing Defendants for Communicable Diseases; Related Prosecutions; North Carolina
Prosecutor's Trial Manual, (Third Edition, February 2000), Robert L. Farb, Institute of
Government, The University of North Carolina at Chapel Hill

Bioterrorism Preparedness, Administration of Justice Bulletin No. 2002/06, Jessica Smith,
Institute of Government, The University of North Carolina at Chapel Hill

People Contacted for Background Information, Guidance, Direction or Discussion

Chris Hoke, J.D.
Chief, Office of Legal and Regulatory Affairs
Division of Public Health
DHHS – Raleigh, NC

John P. Barkley, J.D.
Assistant Attorney General
Health and Public Assistance Section
NC Attorney General's Office
Raleigh, NC

Jill Moore, J.D.
Faculty, Institute of Government
University of North Carolina at Chapel Hill

Robert L. Farb, J.D.
Faculty, Institute of Government
University of North Carolina at Chapel Hill

Cynthia L. Shaffer, MPH
Centers for Disease Control and Prevention
Atlanta, Georgia

Dr. Susan Mims*
Buncombe County Health Center

Dr. Martha Salyers
Regional Surveillance Team (#6)

Nancy Gatewood
Director of Nursing
Buncombe County Health Center

Layton Long
Environmental Health Director
Buncombe County Health Center

* Dr. Mims and I were actually given the joint assignment of creating a draft of isolation and quarantine as well as the motion and order extending the 10 day order and the affidavit in support of the motion and order, and we worked on most of this together; she also made sure I had copies of the Public Health Law and the Communicable Diseases Manual which are not exactly everyday tools used by assistant district attorneys!



*State of North Carolina
General Court of Justice
Twenty-eighth Prosecutorial District*

RONALD L. MOORE
DISTRICT ATTORNEY

P. O. BOX 7158
ASHEVILLE, N. C. 28802

FIFTH FLOOR COURTHOUSE
TELEPHONE (828) 232-2500
FAX (828) 232-2283

Chris G. Hoke, JD
Chief, Office of Legal and Regulatory Affairs
Epidemiology Section
Division of Public Health
1902 Mail Service Center
Raleigh, NC 27699-1902

May 3, 2003

Dear Chris,

On April 7, 2003 I had the privilege of a telephone conference with you surrounding isolation and quarantine issues. You may recall that I am an assistant district attorney in Buncombe County who has been participating on the Buncombe County Terrorism Advisory Board and the epidemiology meetings that go hand in hand with it. As part of all of that I had the opportunity to go to an Integrated Emergency Management training in Emmitsburg, Maryland with about seventy people from Buncombe County the week of April 20th. Prior to leaving I contacted you so that I could help pull together some isolation and quarantine drafts to be used by our county's delegation at the time of the simulated disaster exercise that was part of our training in Maryland.

I promised you I would send you what we came up with here in Buncombe County so I am enclosing an Isolation/Quarantine template, an Isolation Order Draft and a Quarantine Draft for your consideration. I also enclosed a list of the statutes and articles I consulted and the people I spoke to so you can see whether the exercise drafts resulted from an adequately comprehensive survey. I must say that I was really impressed by the stunning knowledge all of you have on this subject, which only recently became relevant after about a hundred years of dormancy.

Yesterday I received the isolation order template from your department, which tells me that the exercise draft we created here in Buncombe county comes too late to be of any assistance to you, but I still wanted you to see it so you would know how much assistance you were to me, and to all of us in Buncombe county. Our training exercise went very well and we were pleased to have a draft to practice with.

I also wanted you to see our draft because I included a reference to the affected person's right to have an appeal of the order directly on the order. I feel like that is an appropriate thing to do given the North Carolina Legislature's recognition of that right in the statute authorizing isolation and quarantine. Nevertheless, I defer to your expertise. I have also done a preliminary draft of a motion and proposed order for extending a health director's isolation or quarantine order beyond the 10 days allowed in case we ever need it. If you want to see that, let me know. And thank you for educating me during our phone conversation about the fairly limited circumstances under which such a motion would be relevant.

I have to say that I have had a wonderful time doing some work in an area of law that is completely unfamiliar to me and that has as its primary focus the protection and preservation of life. As a prosecutor I usually am dealing with situations where life has already been lost and where the consequences generally involve additional losses. I hope we never have to see the use of isolation and quarantine to address something as horrifying as bioterrorism but I derive some comfort from knowing that the people who are doing the advance planning for addressing it are in public health and emergency management. I know you all will keep up the good work, and I will hold a good thought for you while you are doing so.

Thank you again so much for familiarizing me with the law pertaining to this subject and for your guidance in preparing for the training.

Very truly yours,



Kate Dreher
Senior Assistant District Attorney

Enclosures: 6 pages

CC: John Barkley, Deputy Attorney General
Keith Snyder, Buncombe County Attorney
Wanda Greene, Buncombe County Manager
George Bond, Health Director, Buncombe County Health Center
Dr. Susan Mims, Medical Director, Buncombe county Health Center
Dr. Martha Salyers, Director, Public Health Regional Surveillance Team #6
Jerry VeHaun, Director, Buncombe County Emergency Management

own home, then clearly some space would be needed. This MOU attempts to remove legal barriers that might preclude the loaning of space to the Health Center in an emergency by either the school system, the City of Asheville, or the County of Buncombe. It is the intention of the Health Center after this final report to get this MOU signed by all affected parties. It has been reviewed by the County Attorney for content and form.

(MOU on following page)

MASS QUARANTINE
MEMORANDUM OF UNDERSTANDING

The Buncombe County Health Center is the lead agency for protection of the public health and control of communicable disease in Buncombe County. The threat of a bio-terrorist event or other communicable disease introduction into the community requires planning and coordination of services, agencies and resources to minimize the impact to the health and safety of the citizens of Buncombe County. In order to control the spread of biological agents and communicable diseases in the community the Health Director may require quarantine or isolation of individuals pursuant to GS 130-145. Quarantine or isolation of large numbers of people would require resources and facilities outside the normal scope of the Health Center. Therefore this agreement is made between the City of Asheville, the Buncombe County Health Center, Buncombe County, Asheville City School System and the Buncombe County School System. The conditions of this agreement are as follows:

1. For this agreement to be in effect the stated conditions must exist:
 - (a). Verification of an overt or covert bio terrorist event has occurred and/or the introduction of a communicable disease or biological agents capable of being spread through the general population without quarantine or isolation of large numbers of individuals is occurring.
 - (b). The biological agent or communicable disease implicated may result in severe illness or death of individuals throughout the county if appropriate quarantine and isolation measures are not enforced.
 - (c). A determination has been made by the Health Director that quarantine or isolation measures on a large scale is the only effectively means to restrict or prevent continued spread of the biological agent or communicable disease.
 - (d). A state of emergency has been declared for the county as a result of the release of bio terrorist agents or communicable disease into the community.
2. Upon determining that large scale quarantine and isolation of people is required the Health Director will immediately provide an estimate of the number of individuals requiring quarantine or isolation, any specific conditions to be met and a list of recommended sites to the county manager, emergency services director, the sheriffs office and any other agency deemed essential to implementing the quarantine order.
3. The City of Asheville, Buncombe County School System, Asheville City Schools and Buncombe County agree as far as necessary and practicable to provide public buildings for quarantine and isolation of county residents as recommended by the Health Director. Additionally, each agency will provide staffing and services as necessary and practical to open, utilize and maintain said facilities for the duration of the quarantine order.
4. Buncombe County agrees to reimburse all direct costs incurred by the City of Asheville or School Systems for the use of facilities and services necessary to implement the quarantine or isolation order.

This agreement is entered into on _____

Asheville City Manager Date

Buncombe County Manager Date

Buncombe County Schools Superintendent Date

Asheville City Schools Superintendent Date

Local Health Director Date

5/16/03

SUMMARY

The foregoing documents represent not the work of a single person but rather the combined efforts of a several individuals. Those members include:

George Bond, Team Leader, and Health Director of the Buncombe County Health Center
Martha Salyers, Co-Team Leader, & Chief of the Public Health Response Surveillance Team
Dr. Susan Mims, Medical Director, Buncombe County Health Center
Layton, Long, Environmental Health Director, Buncombe County Health Center
Nancy Gatewood, Nursing Director, Buncombe County Health Center
Julie Kepple, Buncombe County Sheriff's Department
Mike Barnette, Mission St. Joseph's Health System
Ken Razza, SBI
Kate Dreher, Assistant District Attorney

In addition to the development of the legal documentation, the protocols, and the MOU, the group met with representatives of the American Red Cross and verified that the ARC would be more than willing to help to feed individuals in a quarantine situation. Whether that quarantine occurred at the Civic Center or individuals were ordered to remain in their homes, the Red Cross said they would be more than willing to be responsible for the nutrition of the detainees. Questions were also raised about the availability and use of security ankle bracelets for those who might be put into a quarantine situation similar to "house arrest" and we have been assured that the process could be done through the court system and that ample supplies of the ankle bracelet can be located as they are needed.

This report represents the final work product of the Quarantine Protocol Task Force and is submitted to the entire Forensic Epidemiology Workgroup for information. Even though the Quarantine Task Force will no longer meet officially on a regular basis, we