

REGULATION R1-2006
DELEGATING AUTHORITY TO QUARANTINE TO THE HEALTH COMMISSIONER
AND DECLARING AN EMERGENCY

Whereas, the Board of Health has primary authority to enforce the provisions of sections 3707.04 to 3707.32 of the Revised Code regarding quarantine and isolation; and

Whereas, section 3707.34 of the Revised Code authorizes the Health Commissioner to act on behalf of the Board of Health in administering the provisions of sections 3707.04 to 3707.32 of the Revised Code regarding quarantine and isolation, if the Health Commissioner acts pursuant to a regulation adopted by the Board of Health; and

Whereas, this Regulation is hereby adopted by the Board of Health pursuant to section 3707.34 of the Ohio Revised Code; and

Whereas, the Board of Health specifically finds that this Regulation is necessary for the protection of the health of the people of the community in the event of a bioterrorism or other emergency public health event; and

Whereas, the Health Commissioner is the executive officer of the Board of Health and is authorized and required to carry out all orders of the Board, including the enforcement of all local regulations and policies adopted by the Board.

Now Therefore the Following Regulation is Hereby Adopted by the Board of Health:

- I. **Definition of Public Health Emergency.** As used in this Regulation, the term "public health emergency" shall mean an occurrence or imminent threat of an illness or health condition that (a) is believed to be caused by any of the following: (1) bioterrorism; (2) any of the reportable diseases classified as "Class A diseases" by Section 3701-3-02 (A)(1) of the Ohio Administrative Code; (3) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; or (4) a natural disaster, a chemical attack or accidental release, or a nuclear attack or accident; and (b) poses a high probability of any of the following harms: (1) a large number of deaths in the affected population; (2) a large number of serious or long-term disabilities in the affected population; or (3) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.
- II. **Necessary Findings of Health Commissioner.** In order for the provisions of this Regulation to take effect, the Health Commissioner must make a finding that: (a) an immediate threat to the public health exists; (b) circumstances have rendered a meeting of the Board of Health to be impractical or impossible; and/or (c) delaying action until a meeting of the Board of Health would compromise the public health. The Health Commissioner may, but is not required to, make a further finding that a public health emergency exists. The Health Commissioner shall immediately notify the President of the Board of Health and the Director of the Ohio Department of Health that the Health Commissioner has made such findings. The Health Commissioner may also notify other individuals and/or entities that he deems appropriate.
- III. **Scope of Delegation.** Upon the Health Commissioner making the necessary findings enumerated in Section II of this Regulation, the provisions of this Regulation shall become effective immediately. In such a case, the Health Commissioner is hereby delegated all the authority possessed by the Board of Health in enforcing the provisions of sections 3707.04 to 3707.32 of the Revised Code regarding quarantine and isolation. The Health Commissioner is hereby authorized to act on behalf of the Board of Health in these matters, and any actions taken by the Health Commissioner in accordance with this Regulation shall be considered actions taken by the Board until the Board votes either to ratify or nullify the Health Commissioner's actions.

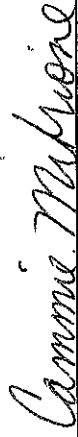
IV. Expiration/Renewal of Authority Granted by this Regulation. The authority delegated to the Health Commissioner under this Regulation shall continue until the earlier of: (a) a finding by the Health Commissioner that such delegation of authority is no longer necessary; or (b) the holding of a regular or special meeting of the Board of Health; or (c) upon the specific determination of the Director of the Ohio Department of Health that such delegation of authority is no longer necessary. The Board of Health may elect to renew or extend the authority delegated to the Health Commissioner pursuant to this Regulation, for as long as the Board deems necessary in order to protect the public health.

Now, therefore be it resolved by the Board of Health of the City of Springdale, State of Ohio, members appointed thereto concurring;

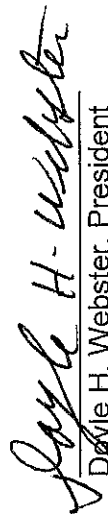
Section 1: That this Regulation is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to have the services available at the earliest possible date.

Passed this 14 day of Sep , 2006.

Attest:



Cammie Mitrione, RS, Secretary
Springdale Board of Health



Doyle H. Webster, President
Springdale Board of Health