

RESOLUTION R1-2006

CREATING A SPRINGDALE BOARD OF HEALTH ISOLATION/QUARANTINE POLICY IN ORDER TO RESPOND QUICKLY AND IN A COORDINATED MANNER TO EMERGENCY SITUATIONS, BECAUSE DELAYING ACTION IN EMERGENCY SITUATIONS UNTIL STATE AND FEDERAL RESOURCES CAN BE MOBILIZED AND UNTIL A MEETING OF THE BOARD OF HEALTH CAN BE CALLED CAN COMPROMISE PUBLIC HEALTH AND DECLARING AN EMERGENCY

WHEREAS, the Board of Health of the City of Springdale has primary authority to enforce the provisions of Sections 3707.04 to 3707.34 of the Revised Code (ORC) regarding quarantine and isolation; and

WHEREAS, Section 3707.04 of the Ohio Revised Code authorizes the Health Commissioner to act on behalf of the Board of Health in administering the provisions of Sections 3707.04 to 3707.34 of the Revised Code regarding quarantine and isolation, if the Health Commissioner acts pursuant to a policy adopted by the Board of Health; and

WHEREAS, by enacting this Resolution, it is the intent of the Board of Health to adopt such a policy; and

WHEREAS, the Board of Health specifically finds that this Resolution 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 and the Secretary 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 enacted by the Board.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Health of the City of Springdale Health Department, that:

Section 1. **Definition of Public Health Emergency:** As used in this Resolution, 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 as defined in ORC 3701.072 and 3701.232(A)(1) (effective February 12, 2004);
 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.

Section 2. **Necessary Findings of Health Commissioner.** In order for the provisions of this Resolution 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 or she deems appropriate.

Section 3. Scope of Delegation. Upon the Health Commissioner making the necessary findings enumerated in Section II of this Resolution, the provisions of this Resolution 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 3707.34 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 Resolution shall be considered actions taken by the Board until the Board votes either to ratify or nullify the Health Commissioner's actions.

Section 4. Protection of Persons. Where an immediate threat to the public health exists, or a declared state of public health emergency, the Health Commissioner shall use every available means to prevent the transmission of infectious disease and to ensure that all cases of contagious disease are subject to proper control and treatment including, but not limited to the following:

- a. physical examinations and/or tests as necessary for the diagnosis or treatment of individuals;
- b. vaccinations of persons as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease; and/or;
- c. treatment of persons exposed to or infected with disease. The refusal of any persons exposed to or infected with disease. The refusal of any person to submit to a physical examination, or to be vaccinated, or to be treated, shall be grounds for quarantine or isolation of that person pursuant to the provisions of this Resolution.

Section 5. Authorization to Isolate and Quarantine. Where an immediate threat to the public health exists, or a declared state of public health emergency, the Health Commissioner may isolate or quarantine an individual or groups of individuals. This authorization includes the isolation or quarantine of individuals or groups who have not been vaccinated, treated, tested, or examined pursuant to Section 4 of this Resolution. The Health Commissioner may also establish and maintain places of isolation and quarantine, and set rules and make orders.

Section 6. Quarantine/Isolation Procedures. The Health Commissioner shall use the following procedures in isolating or quarantining individuals or groups of individuals;

- a. When, in the opinion of the Health Commissioner it is necessary to isolate or quarantine an individual or group of individuals, the Health Commissioner shall inform the individual or group of individuals of his/her determination, and may issue an order compelling the individual or group to comply with the isolation or quarantine.

- b. If the Health Commissioner determines that delay in imposing the isolation or quarantine would significantly jeopardize contagious or possibly contagious disease to others, the isolation or quarantine order may provide for the immediate removal of the individual or group of individuals to a place of isolation or quarantine. Such order shall automatically expire 96 hours after service of the order unless specifically extended or renewed by the Board of Health, the Director of the Ohio Department of Health, or a court of law.
- c. If the individual or group of individuals fails to comply with any isolation or quarantine order of the Health Commissioner, the Health Commissioner may apply to the appropriate court for an injunction to mandate compliance with the order. If the Health Commissioner has determined that delay in imposing the isolation or quarantine would significantly jeopardize his/her ability to prevent or limit the transmission of a contagious or possibly contagious disease to others, the Health Commissioner may request that the court issue an injunction without granting the individual or group of individuals an opportunity for a prior hearing, or that the court hold an expedited hearing on the matter.
- d. If an individual or group of individuals fails to comply with the court's injunction, the Health Commissioner may request that the court issue an order under which the Health Commissioner is granted the authority to isolate or quarantine the individual or group of individuals in a place of quarantine or isolation until such a time as the individual or group no longer poses a threat to the public health.

Section 7. Expiration/Renewal of Authority Granted by Resolution.

The authority delegated to the Health Commissioner under this Resolution 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 Resolution, for as long as the Board deems necessary in order to protect the public health.

Section 8. Penalties. Section 3707.48 of the Ohio Revised Code states that no person shall violate Sections 3707.01 to 3707.53, inclusive, of the Revised Code, or any order or regulation of the board of health of a city or general health district made in pursuance thereof, obstruct or interfere with the execution of such order, or willfully or illegally omit to obey such order. Section 3707.99(B) of the Ohio Revised Code states that whoever violates Section 3707.48 of the Revised Code is guilty of a minor misdemeanor on a first offense; and on each subsequent offense such person is guilty of a misdemeanor of the fourth degree.

BE IT FURTHER RESOLVED in accordance with ORC 3707.36 effective February 12, 2004 that Resolution R1-2006 is subject to review and concurrence of the City of Springdale Board of Health; and

BE IT FURTHER RESOLVED that any previous resolution, rule or policy adopted by the Board of Health of the City of Springdale that in any way conflicts with this resolution in part or in whole with the resolution is hereby rescinded and repealed in part or in whole to the extent of any conflict; and

BE IT FURTHER RESOLVED that the Board of Health of the City of Springdale finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of the Board and that all deliberations of this Board were taken in meetings open to the public, in full compliance with the applicable legal requirement, including Sections 121.22 of the Ohio Revised Code.

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 Ordinance 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 ____ day of _____, 2006.

Attest:

Cammie Mitrione, RS, Secretary
Springdale Board of Health

Doyle H. Webster, President
Springdale Board of Health