

Approval of Chapter 37 Ordinance of the Warren County Code of Ordinance

The WARREN COUNTY BOARD OF SUPERVISORS met on the 14th day of January, 2011 to approve Chapter 37 of the County Code of Ordinances which reads as follows:

WARREN COUNTY, IOWA

CHAPTER 37

TITLE IV – HEALTH REGULATIONS

CHAPTER 37

NOTIFICATION AND SURVEILLANCE OF REPORTABLE, COMMUNICABLE, AND INFECTIOUS DISEASES, POISONINGS AND CONDITIONS

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37.01 PURPOSE.

The purpose of this ordinance is to provide a set of guidelines for the initiating and control of quarantine orders in order to protect the citizens of Warren County from infectious disease. This ordinance will also provide the reporting requirement for health care providers to the Warren County Board of Health.

37.02 SCOPE.

This ordinance applies to all citizens, visitors, and animals within Warren County.

37.03 DEFINITIONS.

1. "Area quarantine" means prohibiting ingress and egress to and from a building or buildings, structure or structures, or other definable physical location, or portion thereof, to prevent or contain the spread of a suspected or confirmed quarantinable disease or to prevent or contain exposure to a suspected or known chemical, biological, radioactive, or other hazardous or toxic agent.
2. "Board" means the Warren County Board of Health.
3. "Care provider" means an individual who is trained and authorized by federal or state law to provide health care services or services of any kind in the course of the

individual's official duties, for compensation or in a voluntary capacity, who is a health care provider, emergency medical care provider as defined in section 147A.1, fire fighter, or peace officer. "Care provider" also means an individual who renders emergency care or assistance in an emergency or due to an accident as described in section 613.17.

4. "Communicable disease" means any disease spread from person to person or animal to person.
5. "Contagious or infectious disease" means hepatitis in any form, meningococcal disease, tuberculosis, and any other disease, with the exception of AIDS or HIV infection as defined in section 141A.1, determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services.
6. "Department" means the Iowa department of public health.
7. "Designated officer" means the Warren County Health Services.
8. "Exposure" means the risk of contracting disease as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department.
9. "Health care facility" means a health care facility as defined in section 135C.1, an ambulatory surgical center, or a clinic.
10. "Health care provider" means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, nursing, dentistry, optometry, or as a physician assistant, dental hygienist, or acupuncturist.
11. "Hospital" means hospital as defined in section 135B.1.
12. "Isolation" means the separation of persons or animals presumably or actually infected with a communicable disease or who are disease carriers for the usual period of communicability of that disease in such places, marked by placards if necessary, and under such conditions as will prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible persons.
13. "Law enforcement" means local law enforcement departments within the jurisdiction of the board.

14. "Quarantinable disease" means any communicable disease designated by rule adopted by the department as requiring quarantine or isolation to prevent its spread.
15. "Quarantine" means the limitation of freedom of movement of persons or animals that have been exposed to a quarantinable disease within specified limits marked by placards for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent the spread of a quarantinable disease which affects people.
16. "Placard" means a warning sign to be erected and displayed on the periphery of a quarantine area, forbidding entry to or exit from the area.
17. "Public health disaster" means public health disaster as defined in section 135.140.
18. "Reportable disease" means any disease designated by rule adopted by the department requiring its occurrence to be reported to an appropriate authority.
19. "Terminal cleaning" means cleaning procedures defined in the isolation guidelines issued by the centers for disease control and prevention of the United States department of health and human services.

37.04 REPORTS TO BOARD - INVESTIGATION.

1. The health care provider or public, private, or hospital clinical laboratory attending a person infected with a reportable disease shall immediately report the case to the department. However, when a case occurs within the jurisdiction of a local health department, the report shall be made to the board and to the department. A health care provider or public, private, or hospital clinical laboratory who files such a report which identifies a person infected with a reportable disease shall assist in the investigation by the department, a local board, or a local department. The department shall publish and distribute instructions concerning the method of reporting. Reports shall be made in accordance with rules adopted by the department and shall require inclusion of all the following information:
 - a. The patient's name.
 - b. The patient's address.
 - c. The patient's date of birth.
 - d. The sex of the patient.
 - e. The race and ethnicity of the patient.

- f. The patient's marital status.
 - g. The patient's telephone number.
 - h. The name and address of the laboratory.
 - i. The date the test was found to be positive and the collection date.
 - j. The name of the health care provider who performed the test.
 - k. If the patient is female, whether the patient is pregnant.
2. Any person who, acting reasonably and in good faith, files a report, releases information, or otherwise cooperates with an investigation under this ordinance is immune from any liability, civil or criminal, which might otherwise be incurred or imposed for such action.
- a. A report or other information provided to or maintained by the department, board, or designated officer, which identifies a person infected with or exposed to a reportable or other disease or health condition, is confidential and shall not be accessible to the public.
 - b. Notwithstanding the above "a" paragraph, information contained in the report may be reported in public health records in a manner which prevents the identification of any person or business named in the report. If information contained in the report concerns a business, information disclosing the identity of the business may be released to the public when the state epidemiologist or the director of public health determines such a release of information necessary for the protection of the health of the public.
3. A health care provider or public, private, or hospital clinical laboratory shall provide the department, the board, or designated officer with all information reasonably necessary to conduct an investigation pursuant to this ordinance upon request of the department, board, or designated officer. The board may also subpoena records, reports, and any other evidence necessary to conduct an investigation pursuant to this ordinance from other persons, facilities, and entities pursuant to rules adopted by the department.

37.05 INVESTIGATION AND CONTROL

When the board or designated officer receives a report under this ordinance or acts on other reliable information that a person is infected with a disease, illness, or health condition that may

be a potential cause of a public health disaster, the board or designated officer shall identify all individuals reasonably believed to have been exposed to the disease, illness, or health condition and shall investigate all such cases for sources of infection and ensure that such cases are subject to proper control measures. Any hospital, health care provider, or other person may provide information, interviews, reports, statements, memoranda, records, or other data related to the condition and treatment of any individual, if not otherwise prohibited by the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, to the department to be used for the limited purpose of determining whether a public health disaster exists.

The board will create a policy manual that will outline the procedures for the creation and enforcement of a quarantine. The policy will indicate the roles of the designated officer and the board. The procedures will be in compliance with the State Board of Health and the Iowa Department of Public Health. The policy will include the ability of law enforcement to effectuate the quarantine.

37.06 TYPE AND LENGTH OF ISOLATION OR QUARANTINE.

1. The type and length of isolation or quarantine imposed for a specific communicable disease shall be in accordance with rules adopted by the department.
2. The department and the board may impose and enforce isolation and quarantine restrictions. The board will create a policy outlining procedures of determining the quarantine length and duration in compliance with state and federal laws.
3. The department shall adopt rules governing terminal cleaning.
4. The department and the board may impose and enforce area quarantine restrictions according to rules adopted by the department. Area quarantine shall be imposed by the least restrictive means necessary to prevent or contain the spread of the suspected or confirmed quarantinable disease or suspected or known hazardous or toxic agent.

37.07 ISOLATION OR QUARANTINE SIGNS ERECTED.

When isolation or a quarantine is established, appropriate placards prescribed by the department shall be erected to mark the boundaries of the place of isolation or quarantine.

37.08 COMMUNICABLE DISEASES

If a person, whether or not a resident, is infected with a communicable disease dangerous to the public health, the board shall issue orders in regard to the care of the person as necessary to protect the public health. The orders shall be executed by the designated officer as the board directs or provides by rules.

37.09 DISEASED PERSON RELOCATING PROCEDURE

If a person known to be suffering from a communicable disease dangerous to the public health moves from the jurisdiction of the board into the jurisdiction of another local board, the board shall notify the local board into whose jurisdiction the person is moving.

37.10 DETERMINATION OF SOURCE.

The board shall use every available means to determine the source and spread of any infectious case of sexually transmitted disease or infection which is reported.

The board shall cause an examination to be made of every person reasonably suspected, on the basis of epidemiological investigation, of having any sexually transmitted disease or infection in the infectious stages to ascertain if such person is infected and, if infected, to cause such person to be treated. A person who is under the care and treatment of a health care provider for the suspected condition shall not be subjected to such examination. If a person suspected of having a sexually transmitted disease or infection refuses to submit to an examination voluntarily, application may be made by the board to the district court for an order compelling the person to submit to examination and, if infected, to treatment. The person shall be treated until certified as no longer infectious to the board. If treatment is ordered by the district court, the attending health care provider shall certify that the person is no longer infectious.

37.11 FORCIBLE QUARANTINE.

The board shall have the power to adopt a policy and procedure that may include forcible quarantine of an individual or group if a quarantine is determined to be necessary. The policy will dictate the rights of the individual(s) to contest the quarantine. The policy will dictate the procedures in order to issue a forcible quarantine and can reserve the right to use law enforcement to effectuate the forced quarantine.

37.12 IMMUNIZATION OF CHILDREN.

1. A parent or legal guardian shall assure that the person's minor children residing in the state are adequately immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, and varicella, according to recommendations provided by the department subject to the provisions of subsections 3 and 4.
2. a. A person shall not be enrolled in any licensed child care center or elementary or secondary school in Iowa without evidence of adequate immunizations against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, and varicella.
 - a. Evidence of adequate immunization against haemophilus influenza B and invasive pneumococcal disease shall be required prior to enrollment in any licensed child care center.
 - c. Evidence of hepatitis type B immunization shall be required of a child born on or after July 1, 1994, prior to enrollment in school in kindergarten or in a grade.
 - d. Immunizations shall be provided according to recommendations provided by the department subject to the provisions of subsections 3 and 4.

3. Subject to the provision of subsection 4, the state board of health may modify or delete any of the immunizations in subsection 2.
4. *a.* Immunization is not required for a person's enrollment in any elementary or secondary school or licensed child care center if either of the following applies:
 - (1) The applicant, or if the applicant is a minor, the applicant's parent or legal guardian, submits to the admitting official a statement signed by a physician, advanced registered nurse practitioner, or physician assistant who is licensed by the board of medicine, board of nursing, or board of physician assistants that the immunizations required would be injurious to the health and well-being of the applicant or any member of the applicant's family.
 - (2) The applicant, or if the applicant is a minor, the applicant's parent or legal guardian, submits an affidavit signed by the applicant, or if the applicant is a minor, the applicant's parent or legal guardian, stating that the immunization conflicts with the tenets and practices of a recognized religious denomination of which the applicant is an adherent or member.
- b.* The exemptions under this subsection do not apply in times of emergency or epidemic as determined by the state board of health and as declared by the director of public health.
5. A person may be provisionally enrolled in an elementary or secondary school or licensed child care center if the person has begun the required immunizations and if the person continues to receive the necessary immunizations as rapidly as is medically feasible. The department shall adopt rules relating to the provisional admission of persons to an elementary or secondary school or licensed child care center.
6. The board shall furnish the department, within sixty days after the first official day of school, evidence that each person enrolled in any elementary or secondary school has been immunized subject to subsection 4. The department shall adopt rules pursuant to chapter 17A relating to the reporting of evidence of immunization.
7. The board shall provide the required immunizations to children in areas where no local provision of these services exists.
8. *a.* The department, in consultation with the director of the department of education, shall adopt rules for the implementation of this section and shall provide those rules to local school boards and the board.

37.13 VACCINE SHORTAGE

1. In the event of a shortage of a vaccine, or in the event a vaccine shortage is imminent, the department may issue an order to the board, controlling, restricting, or otherwise regulating the distribution and administration of the vaccine. The order may designate groups of persons which shall receive priority in administration of the vaccine and may prohibit vaccination of persons who are not included in a priority designation. The order shall include an effective date, which may be amended or rescinded only through a written order of the department. The order shall be applied by the board to health care providers, hospitals, clinics, pharmacies, health care facilities, public health agencies, and other persons or entities that distribute or administer vaccines.
2. The board, health care provider, hospital, clinic, pharmacy, health care facility, public health agency, or other person or entity that distributes or administers vaccines shall not be civilly liable in any action based on a failure or refusal to distribute or administer a vaccine to any person if the failure or refusal to distribute or administer the vaccine was consistent with a department order issued.

37.14 LAW ENFORCEMENT.

The board shall help provide training and guidelines to law enforcement in order to enforce the provisions of this ordinance. In any situation where law enforcement officers are designated to enforce this ordinance, the officers shall receive reasonable compensation for their services as determined by the board.

37.15 PAYMENT OF CARE OF INDIVIDUALS UNDER QUARANTINE.

If the person under isolation or quarantine or the person liable for the support of the person, in the opinion of the board, is financially unable to secure proper care, provisions, or medical attendance, the board shall furnish supplies and services during the period of isolation or quarantine and may delegate the duty, by rules, to one of its designated officers.

The local board shall provide proper care, provisions, and medical attendance for any person removed and isolated or quarantined in a separate house or hospital for detention and treatment, and the care, provisions, and medical attendance shall be paid for by the county in which the infected person has a legal settlement, if the patient or legal guardian is unable to pay.

37.16 PROCEDURE FOR PAYMENT OF SERVICES.

1. All services or supplies furnished to persons under this ordinance must be authorized by the board or the designated officer, by a written order and a written order designating the person employed to furnish such services or supplies, issued before

the services or supplies are furnished, shall be attached to the bill when presented for audit and payment.

2. All bills incurred under this ordinance in establishing, maintaining, and terminating isolation and quarantine, in providing a necessary house or hospital for isolation or quarantine, and in making terminal cleanings, shall be filed with the board. The board at its next regular meeting or special meeting called for this purpose shall examine and audit the bills and, if found correct, approve and certify the bills to the Warren County Board of Supervisors for payment.
3. All bills for supplies furnished and services rendered for persons removed and isolated or quarantined in a separate house or hospital, or for persons financially unable to provide their own sustenance and care during isolation or quarantine, shall be allowed and paid for only on a basis of the local market price for such provisions, services, and supplies in the locality furnished. A bill for the terminal cleaning of premises or effects shall not be allowed, unless the infected person or those liable for the person's support are financially unable to pay.
4. The Warren County Board of Supervisors is not bound by the action of the local board in approving the bills, but shall pay the bills for a reasonable amount and within a reasonable time.
5. If any person receives services or supplies under this ordinance who does not have a legal settlement in the county in which the bills were incurred and paid, the amount paid shall be certified to the board of supervisors of the county in which the person claims settlement or owns property, and the board of supervisors of that county shall reimburse the county from which the claim is certified, in the full amount originally paid.

37.17 RIGHTS OF INDIVIDUALS UNDER QUARANTINE.

Any person removed and isolated or quarantined in a separate house or hospital may, at the person's own expense, employ the health care provider of the person's choice, and may provide such supplies and commodities as the person may require.

37.18 EMPLOYMENT PROTECTION

1. An employer shall not discharge an employee, or take or fail to take action regarding an employee's promotion or proposed promotion, or take action to reduce an employee's wages or benefits for actual time worked, due to the compliance of an employee with a quarantine or isolation order or voluntary confinement request issued by the department, a local board, or the centers for disease control and prevention of the United States department of health and human services.

2. An employee whose employer violates this section may petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment. This section does not create a private cause of action for relief of money damages.

37.19 PENALTIES.

1. A person who knowingly violates any provision of this ordinance, or of the rules of the board, or any lawful order, written or oral, of the board or the designated officer, is guilty of a simple misdemeanor.
2. Notwithstanding subsection 1, a public, private, or hospital clinical laboratory that repeatedly fails to file a mandatory report to the board specified in this ordinance is subject to a county infraction of not more than one thousand dollars per occurrence. The board shall not impose the penalty under this subsection without prior written notice and opportunity for hearing. The designated officer will issue the county infraction pursuant to Chapter 2 of this ordinance.

37.20 SEVERABILITY.

If any section, provision or part of the this Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

This Ordinance shall be in effect after its passage and approval and publication as required by law.

Passed and approved this 14th day of January, 2011.

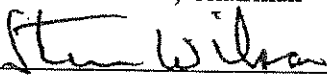
ATTEST:


TRACI VANDERLINDEN
Warren County Auditor

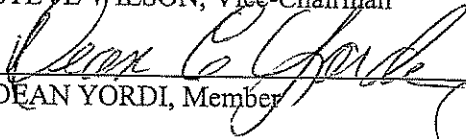
WARREN COUNTY BOARD OF SUPERVISORS


DOUG SHULL, Chairman

AYE


STEVE WILSON, Vice-Chairman

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DEAN YORDI, Member

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Summary of Chapter 37

On Friday of January 14, 2011, the Warren County Board of Supervisors approved the CHAPTER 37 ORDINANCE - NOTIFICATION AND SURVEILLANCE OF REPORTABLE, COMMUNICABLE, AND INFECTIOUS DISEASES, POISONINGS AND CONDITIONS. The primary purpose is to provide a set of guidelines for the initiating and control of quarantine orders, including voluntary and forcible quarantine, in order to protect the citizens of Warren County from infectious and communicable disease. This ordinance will also provide the reporting requirement for health care providers to the Warren County Board of Health. VIOLATIONS: A person who knowingly violates any provision of this ordinance, or of the rules of the board, or any lawful order, written or oral, of the board or the designated officer, is guilty of a simple misdemeanor. Notwithstanding subsection 1, a public, private, or hospital clinical laboratory that repeatedly fails to file a mandatory report to the board specified in this ordinance is subject to a county infraction of not more than one thousand dollars per occurrence. The board shall not impose the penalty under this subsection without prior written notice and opportunity for hearing. The designated officer will issue the county infraction pursuant to Chapter 2 of this ordinance.