

MACON COUNTY
"ISOLATION AND/OR QUARANTINE ORDER"

Effective Date: *23RD MARCH 2020*
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This regulation governs good public health practice and policy to establish isolation and/or quarantine in Macon County, Missouri.

The purpose is to minimize transmission of disease by separating those with disease or at increased risk of developing disease, from those at lower risk. This will help to minimize morbidity and mortality as well as limit social and economic consequences in Macon County, Missouri and provide penalties for violation of the provision hereof.

The Macon County Commissioners hereby adopt the following regulation to wit;

SECTION 1: Definitions

- 1.1 "AUTHORIZED REPRESENTATIVE" The Macon County Health Department Administrator or his/her designee.
- 1.2 "COMMISSIONERS" The Macon County Commissioners.
- 1.3 "COMMUNICABLE DISEASE" Any disease spread from person to person or animal to person.
- 1.4 "DEPARTMENT" The Macon County Health Department.
- 1.5 "DHSS" The Missouri Department of Health and Senior Services.
- 1.6 "ISOLATION" The separation of persons or animals presumably or actually infected with a communicable disease. Isolation shall be in such places, marked by placards if necessary, and under such conditions to prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible individuals.
- 1.7 "ORDER" A lawful formal oral or written directive issued by the Department or Commissioners to an individual or groups of individuals.
- 1.8 "PLACARD" A sign or notice for display in a public place.
- 1.9 "QUARANTINABLE DISEASE" Any communicable disease which presents a risk of serious harm to public health and which may require isolation or quarantine to prevent its spread. "Quarantinable disease" includes but is not limited to cholera; diphtheria; infectious tuberculosis; plague; smallpox; yellow fever; viral hemorrhagic fevers including Lassa, Marburg, Ebola, Crimean-Congo, South American, and other not yet isolated or named; and severe acute respiratory syndrome (SARS).

- 1.10 **“QUARANTINE”** The limitation of freedom of movement of persons or animals that have been exposed to a communicable disease or chemical, biological, or radiological agent, within specified limits marked by placards, for a period of time equal to the longest usual incubation period of the disease or until there is no risk of spreading the chemical, biological, or radiological agent. The limitation of the movement shall be in such manner as to prevent the spread of a communicable disease or chemical, biological, or radiological agent.

SECTION 2: General Provisions

- 2.1 **Prior to instituting a mandatory isolation or quarantine order pursuant to the Order, the department may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.**
- 2.2 The department is authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed by the department. Quarantine or isolation may be imposed on individuals that are, or are suspected to be, infected with, exposed to, or contaminated with a quarantinable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken. Any quarantine or isolation imposed by the department shall be established and enforced in accordance with this Order.
- 2.3 The department shall notify, consult and work cooperatively with local veterinarian office(s) on issues relating to isolation and quarantine of animals.

SECTION 3: Conditions and Principles

- 3.1 **The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable disease or a chemical, biological, or radiological agent to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.**
- 3.2 Isolated individuals shall be confined separately from quarantined individuals.
- 3.3 The health status of isolated or quarantined individuals shall be monitored regularly to determine if the individuals require further or continued isolation or quarantine.
- 3.4 If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, the individual shall be promptly removed to isolation.
- 3.5 Isolation or quarantined individuals shall be immediately released when the department determines that the individuals pose no substantial risk of transmitting a communicable disease or spreading a chemical, biological, or radiological agent.

- 3.6 The need of isolated or quarantined individuals shall be addressed in a systematic and competent fashion including, but not limited to, providing adequate food; clothing; shelter; means of communicating with those in and outside of isolation or quarantine; medication; and competent medical care.
- 3.7 The premises used for isolation or quarantine shall be maintained in a safe and hygienic manner and shall be designed to minimize the likelihood of further transmission of infection or other harm to isolated or quarantined individuals.
- 3.8 To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals in isolation and quarantine premises and in establishing and maintaining the premises.

SECTION 4: Isolation or Quarantine Premises

- 4.1 Sites of isolation or quarantine shall be prominently placarded with isolation or quarantine signs prescribed and furnished by the department and posted on all sides of the building wherever access is possible.
- 4.2 An individual subject to isolation or quarantine shall obey the Order and orders of the department and shall not go beyond the isolation or quarantine premises.
- 4.3 The department may authorize physicians, health care workers, or other access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.
- 4.4 No individual, other than an individual authorized by the department shall enter isolation or quarantine premises. If the department has requested the assistance of law enforcement in enforcing the isolation or quarantine, the department shall provide law enforcement personnel with a list of individuals authorized to enter the isolation and quarantine premises.
- 4.5 Any individual entering an isolation or quarantine premises with or without authorization of the department may be isolated or quarantined pursuant to the Order.

SECTION 5: Powers and Authority

- 5.1 Revised Statutes of Missouri, Chapter 192.020
- 5.2 RSMo.

SECTION 6: Implementation

- 6.1 Isolation and quarantine undertaken by the department shall be accomplished in accordance with this Order.
- 6.2 The department may:
 - 6.2.1 Isolate individuals who are presumably or actually infected with a quarantinable disease.
 - 6.2.2 Quarantine individuals who have been exposed to a quarantinable disease or a chemical, biological, or radiological agent;
 - 6.2.3 Establish and maintain places of isolation and quarantine; and
 - 6.2.4 Enforce orders as necessary to establish and maintain isolation or quarantine.
- 6.3 The department may temporarily isolate or quarantine an individual or group of individuals through an oral order issued by the Commissioners or authorized representative, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the department's ability to prevent or limit the spread of a communicable disease or chemical, biological, or radiological agent to others.
- 6.4 If the department imposes temporary isolation or quarantine of any individual or group of individuals through an oral order, the Commissioners or authorized representative shall issue a written order as soon as is reasonably possible and in all cases within 24 hours of issuance of the oral order if continued isolation or quarantine is necessary to prevent or limit the spread of communicable disease or a chemical, biological, or radiological agent.
- 6.5 The department may isolate or quarantine any individual or group of individuals through a written order issued pursuant to this Order.
 - 6.5.1 The written order shall include all of the following:
 - a. The identity of the individual, individuals, or group of individuals subject to isolation or quarantine.
 - b. The premises subject to isolation or quarantine.
 - c. The date and time at which isolation or quarantine commences.
 - d. The suspected communicable disease or chemical, biological, or radiological agent.
 - e. A description of the less restrictive alternatives that were attempted and were unsuccessful, or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.

- f. A statement of compliance with the conditions and principles for isolation and quarantine specified in Section 3.
 - g. The legal authority under which the order is requested.
 - h. The medical basis upon which isolation or quarantine is justified.
 - i. A Statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to Section 6 and the right of individuals and groups of individuals subject to isolation or quarantine as listed in Section 7.
 - j. A copy of this Order and the relevant definitions.
- 6.5.2 A copy of the written order shall be provided to the individual to be isolated or quarantined within 24 hours of issuance of the order in accordance with any applicable process authorized by the Missouri Revised Statutes. If the order applies to a group or groups of individuals and it is impractical to provide individual copies, the order may be posted in a conspicuous place in the isolation or quarantine premises.

SECTION 7: Appeal Proceedings

- 7.1 The subject of an order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten days of receipt of the written order. The appeal shall be addressed to Macon County Commissioners, at 101 East Washington Street, Macon, Missouri 63552. Unless stayed by order of the Commissioners or the 41st Judicial Court, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of upon its merits.
- 7.2 The appeal proceeding shall be conducted in accordance with this Order. The proceeding shall be held as soon as is practicable, and in no case later than 10 days from the date of receipt of the appeal. The hearing may be held by telephonic or other electronic means if necessary, to prevent additional exposure to the communicable or possibly communicable disease. In extraordinary circumstances and for good cause shown, the Commissioners may continue the proceeding date for up to ten days, giving due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence. At the appeal proceeding, the subject of the appeal shall have the right to introduce evidence on all issues relevant to the order. The Commissioners, by majority vote, may modify, withdraw, or order compliance with the order under appeal.

- 7.3 The aggrieved party to the final decision of the Commissioners may petition for judicial review of that action by filing an action in the 41st Judicial Court. Petitions for judicial review shall be filed within 30 days after the decision becomes final.
- 7.4 The Commissioners acknowledges that in certain circumstances the subject or subjects of an order may desire immediate judicial review of an order in lieu of proceeding with the Commissioners' appeal process. The Commissioners may consent to immediate jurisdiction of the 41st Judicial Court when requested by the subjects of an order and justice so requires. Unless stayed by order of the Commissioners or the 41st Judicial Court, the written order for quarantine or isolation shall remain in force and effect until the judicial review is finally determined and disposed of upon its merits.

SECTION 8: Individual Rights

Any individual or groups of individuals subject to isolation or quarantine shall have the following rights:

- 8.1 The right to be represented by legal counsel.
- 8.2 The right to be provided with prior notice of the date, time, and location of any hearing.
- 8.3 The right to participate in any hearing. The hearing may be held by telephonic or other electronic means, if necessary, to prevent additional exposure to the communicable disease or chemical, biological, or radiological agent.
- 8.4 The right to respond and present evidence and argument on the individual's own behalf in any hearing.
- 8.5 The right to review and copy all records in the possession of the department which relate to the subject of the written order.

SECTION 9: Enforcement

- 9.1 If isolation or quarantine is imposed in Macon County, the department shall assist in the implementation of the isolation or quarantine order.
- 9.2 Pursuant to Missouri Revised Statutes all peace officers of the state shall enforce and execute a lawful order for isolation or quarantine within their respective jurisdictions.

The department shall take all reasonable measures to minimize the risk of exposure to peace officers and others assisting with enforcement of an isolation or quarantine order.

- 9.3 The Commissioners or authorized representative, through the office of the county attorney, may file a civil action in the appropriate 41st Judicial Court to enforce an order for isolation or quarantine. Such action shall be filed in accordance with the Missouri Rules of Civil Procedure.

SECTION 10: Penalties

- 10.1 Any individual that violates any regulation in or any provision of this Order or of any amendment or supplement thereto, shall be guilty of a misdemeanor which is punishable by a fine of not more than \$2,000.00 or by imprisonment of no more than one year.

SECTION 11: Refusal of Admittance

- 11.1 In the event that the Department, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, enforcement will be through the county's prosecuting attorney or the sheriff's department.

SECTION 12: Emergency Rules

- 12.1 An emergency rule for the enforcement of this Order may be adopted by the Department upon notifying the Commissioners or by the Commissioners if the Department or Commissioners finds that there exists a potential or immediate danger to the public health, safety, or welfare. The scope of such rule shall be limited to the circumstances creating an emergency and at the time of adoption.
- 12.2 An emergency rule shall state the period during which it is in effect. An emergency rule is not renewable, although the Department or Commissioners, may at any time adopt an identical rule under the normal emergency rules procedures.
- 12.3 The emergency rule shall take effect immediately.

“Order of Quarantine” (may also be used for Isolation)

Date: _____

To: _____

Address: _____

The Macon County Health Department has reason to suspect that you have been exposed to _____ disease and that you may have or develop this disease. If you were to have this disease you would pose a substantial threat to the public’s health. In order to prevent transmission of this disease, the Department orders that you be placed in quarantine in accordance with Section 192.020 of the Revised Statutes of Missouri and 19 CSR 20.20.040 (2)(E) and (G).

The location where and conditions under which you are quarantined are: _____. The Department considers this the least restrictive clinically appropriate method of quarantine given the nature of the disease with which you may have come into contact.

During this period, you may be required to undergo medical examination(s) and bodily specimens may be required in accordance with 19 CSR 20-20.040 (2) (C).

This order will be in effect until it is determined that you are non-contagious by the Department and do not pose a substantial threat to the public’s health. It is anticipated that you will need to be quarantined for at least _____ to verify whether or not you have a contagious disease.

Failure to comply with this order is a Class A misdemeanor that carries a penalty of imprisonment for up to one year or up to a \$2,000 fine, or both. See Section 192.320 of the Revised Statutes of Missouri.

If you have questions about this order, please call _____ at () ____ - ____.

Printed /Typed Name, Title

Receipt of the above and foregoing order of the Macon County Health Department is hereby acknowledged on this _____ day of _____, 2_____.

Signature Printed Name

I hereby certify that this order was served in-hand to the above-named individual on ____/____/____ at ____: ____ am/pm.

Signature Printed Name and Title

These procedures are duly agreed upon this day 23RD of March, 2020, by:

Alan R Wyatt

Alan Wyatt, Presiding Commissioner

Kevin Souther

Kevin Souther, District 1 Commissioner

Clarence Walker

Clarence Walker, District 2 Commissioner

I, Shirley Sims, Clerk of the County Commission of Macon County, Missouri do hereby certify that the attached and foregoing is a true and complete copy of the Macon County "Isolation and/or Quarantine Order", as they appear on record in my office in Macon, Missouri.

WITNESS, my hand as said Clerk and the Seal of the County Commission this 26th day of March, A.D. 2020.

Shirley Sims

Shirley Sims, County Clerk—Macon County

Michael Chambers

Michael Chambers, Macon County Health Officer