

REC009910



BENTON BETTY WRIGHT

FEE BOOK 05-3086 6/07/2005 @ 12:22PM
ETC MISCELLANEOUS Book:5 Page:3086 #: 4
Total Fees: \$.00

**BENTON COUNTY ORDINANCE #48
QUARANTINE AND ISOLATION**

PURPOSE

This Ordinance is created to control and prevent the spread of a contagious disease, by giving authority to the Benton County Board of Health to implement the policies and procedures contained herein that are necessary to protect the health, safety, and well being of Benton County and its residents.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA:

SECTION I. ENACTMENT. This Ordinance is enacted in accordance with Iowa Code Chapter 137.6.

SECTION II. DEFINITIONS.

"Board" means Benton County Board of Health.

"Department" means the Iowa Department of Public Health.

"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. 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

"Quarantinable disease" means 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 others not yet isolated or named; and severe acute respiratory syndrome (SARS).

"Quarantine" means the limitation of freedom of movement of persons or animals that have been exposed to a communicable disease, within specified limits marked by placards, for a period of time equal to the longest usual incubation period of the disease. The limitation of movement shall be in such manner as to prevent the spread of communicable disease.

SECTION III. GENERAL PROVISIONS.

1. **Voluntary confinement.** Prior to instituting mandatory isolation or quarantine pursuant to this rule, the board may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.
2. **Quarantine and isolation.** The board is authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed by the board. If a quarantinable disease occurs in Iowa, individuals with a suspected or active quarantinable disease and contacts to the case may be quarantined or isolated, as the particular situation requires. Any quarantinable disease and contacts to the case may be quarantined or isolated as the particular situation required. Any quarantine or isolation imposed by the board shall be established and enforced in accordance with this rule.

SECTION IV. CONDITIONS AND PRINCIPLES. The board shall adhere to all of the following conditions and principles when isolating or quarantining individuals or groups of individuals:

1. The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.
2. Isolated individuals shall be confined separately from quarantined individuals.
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.
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.
5. Isolated or quarantined individuals shall be immediately released when the board determines that the individuals pose no substantial risk of transmitting a communicable or possibly communicable disease.
6. The needs of isolated or quarantined individuals shall be addressed in a systemic 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.
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.
8. To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals in isolation or quarantine premises and in establishing and maintaining the premises.

SECTION V. ISOLATION OR QUARANTINE PREMISES.

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.
2. An individual subject to isolation or quarantine shall obey the rules and orders of the board and shall not go beyond the isolation or quarantine premises.
3. The department or the board may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.
4. No individual, other than an individual authorized by the department or the board, shall enter isolation or quarantine premises. If the board has required the assistance of law enforcement in enforcing the isolation or quarantine, the board shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.
5. Any individual entering an isolation or quarantine premises with or without authorization of the department or the board may be isolated or quarantined pursuant to this rule.

SECTION VI. ISOLATION AND QUARANTINE.

1. **Authority.** The board may:
 - a) Isolate individuals who are presumably or actually infected with a quarantinable disease;
 - b) Quarantine individuals who have been exposed to a quarantinable disease;
 - c) Establish and maintain places of isolation and quarantine; and
 - d) Adopt emergency rules and issue orders as necessary to establish, maintain, and enforce isolation or quarantine.
2. Isolation and quarantine undertaken by the board shall be accomplished in accordance with this rule.

3. **Temporary isolation and quarantine without note.** The board may temporarily isolate or quarantine an individual or groups of individuals through an oral order, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the board's ability to prevent or limit the transmission of a communicable or possibly communicable disease to others. If the board imposes temporary isolation or quarantine of an individual or groups of individuals through an oral order, the board shall issue a written order as soon as is reasonably possible and in all cases within twenty-four (24) hours of issuance of the oral order if continued isolation or quarantine is necessary to prevent or limit the transmission of a communicable or possibly communicable disease.
4. **Written Order.** The board may isolate or quarantine an individual or groups of individuals or groups of individuals through a written order issued pursuant to this rule.
 - a) The written order shall include all of the following:
 1. The identity of the individual, individuals, or groups of individuals to isolation or quarantine.
 2. The premises subject to isolation or quarantine.
 3. The date and time at which isolation or quarantine commences.
 4. The suspected communicable disease.
 5. 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.
 6. A statement of compliance with the conditions and principles for isolation and quarantine specified in rule 1.12(4).
 7. The legal authority under which the order is requested.
 8. The medical basis upon which isolation or quarantine is justified.
 9. A statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to sub rule 1.12(7) and rights of individuals and groups of individuals subject to quarantine and isolation as listed in sub rule 1.12(8).
 10. A copy of this rule and the relevant definitions.
 - b) A copy of the written order shall be provided to the individual to be isolated or quarantined within twenty-four (24) hours of issuance of the order in accordance with any applicable process authorized by the Iowa Rules of Civil Procedure. 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 VII. APPEAL FROM ORDER IMPOSING ISOLATION AND QUARANTINE.

1. **Appeal.** The subject of a board order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten (10) days of receipt of the written order. The appeal shall be addressed to the Benton County Board of Health, 309 First Avenue, Vinton, Iowa 52349. Unless stayed by order of the board or a district 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.
2. **Proceeding.** The appeal proceeding shall be conducted in accordance with this rule for the Benton County Board of Health. The proceeding shall be held as soon as is practicable, and in no case later than ten (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 board may continue the proceeding date for up to ten (10) 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 board, by majority vote, may modify, withdraw, or order compliance with the order under appeal.
3. **Judicial review.** The aggrieved party to the final decision of the board may petition for judicial review of that action by filing an action in the appropriate district court. Petitions for judicial review shall be filed within thirty (30) days after the decision becomes final.
4. **Immediate judicial review of board order.** The board acknowledges that in certain circumstances the subject or subjects of a board order may desire immediate judicial review of a board order in lieu of proceeding with the board appeal process. The board may consent to immediate jurisdiction of the district court when required by the subject or subjects of a board order and justice so required. Unless stayed by order of the board or a district 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 VIII. RIGHTS OF INDIVIDUALS AND GROUPS SUBJECT TO ISOLATION OR QUARANTINE.

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

1. The right to be represented by legal counsel.
2. The right to be provided with prior notice of the date, time and location of any hearing.
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 or possibly communicable disease.
4. The right to respond and present evidence and argument on the individual's own behalf in any hearing.
5. The right to cross-examine witnesses who testify against the individual.
6. The right to view and copy all records in the possession of the board, which relate to the subject of the written order.

SECTION IX. Consolidation of claims. In any proceedings brought pursuant to this rule, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence, the board or a court may order the consolidation of individual claims into group claims, if any of the following conditions exist:

1. The number of individuals involved or to be affected is large enough; consolidation would be the best use of resources.
2. There are questions of law or fact common to the individual claims or rights to be determined.
3. The group claims or rights to be determined are typical of the affected individuals' claims or rights.
4. The entire group will be adequately represented in the consolidation.

SECTION X. IMPLEMENTATION AND ENFORCEMENT OF ISOLATION AND QUARANTINE.

1. **Jurisdictional issues.** The department has primary jurisdiction to isolate or quarantine individuals or groups of individuals if the communicable disease outbreak has affected more than one (1) county or has multi-county, statewide, or interstate public health implications. If isolation or quarantine is imposed by the department, the board may not alter, amend, modify, or rescind the isolation or quarantine order.
2. **Assistance of local boards of health and local health departments.** If isolation or quarantine is imposed by the department, the local board of health and the local health departments in the affected areas shall assist in the implementation of the isolation or quarantine order.
3. **Penalty.** Pursuant to Iowa Code Section 137.21 and 139A.25 (1) any individual who violates a lawful board order for isolation or quarantine, whether written or oral, or any other provision of this ordinance, shall be guilty of a simple misdemeanor. The court ordered sentence may include a fine up to five hundred dollars (\$500.00) and imprisonment not to exceed thirty (30) days.
4. **Enforcement Action.** The Board, through the office of the County Attorney, may file a civil action in Benton County District Court to enforce a board order for isolation or quarantine. Such action shall be filed in accordance with Iowa Rules of Civil Procedure.

SECTION XI. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XII. SEPARABILITY. The provisions of this ordinance are separable, and if any provision, sentence, clause, section, or part thereof should be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or part of the ordinance.

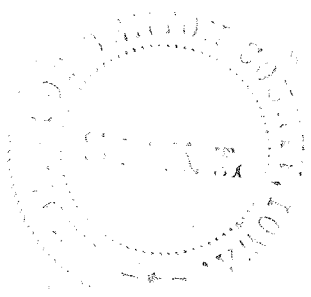
SECTION XIII. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

BENTON COUNTY BOARD OF SUPERVISORS

David H. Vermedahl
David H. Vermedahl, Chairman

Jason D. Sanders
Jason Sanders

Ronald Buch
Ronald Buch



ATTEST: Jill Marlow
Jill Marlow
Benton County Auditor

- May 10, 2005 – Approved 1st Consideration of Ordinance #48
- May 13, 2005 – Approved 2nd Consideration of Ordinance #48
- May 17, 2005- Approved 3rd Consideration of Ordinance #48
- May 17, 2005 - Adopted Ordinance #48
- May 25, 2005 – Published Ordinance #48

I, Jill Marlow, do hereby certify the above to be a true and correct copy of Ordinance #48 and the dates of consideration and publication are correct.

Jill Marlow
Jill Marlow, Benton County Auditor