

ISOLATION AND QUARANTINE

LAW ENFORCEMENT
PERSPECTIVE

FEDERAL AND STATE QUARANTINE AND ISOLATION AUTHORITY

- The public health authority of the states derives from the police powers reserved to them by the Tenth Amendment to the U.S. Constitution. The authority of the federal government to prescribe quarantine and other health measures is based on the Commerce Clause, which gives Congress exclusive authority to regulate interstate and foreign commerce. Thus, state and local governments have the primary authority to control the spread of dangerous diseases within their jurisdictions, and the federal government has authority to quarantine and impose other health measures to prevent the spread of diseases from foreign countries and between states.

WEST VIRGINIA STATE CODE

- **W.VA. Code §16-3-1 Prevention and Control of Communicable Diseases**
- **W.Va. Code § 16-3-2 (1977) Powers of County and Municipal Boards of Health to establish quarantines and penalties**
- **W.Va. Code § 16-3-3 (1977) Police Power and Limitations.**

W.VA. CODE §16-3-1

- **Authority.** State director of health authority to quarantine and to enforce regulations; state board of health authority to issue regulations to control infectious or contagious diseases. The state director of health is empowered to establish and strictly maintain quarantine at such places as he may deem proper and forbid and prevent the assembling of the people in any place, when the state director of health or any county or municipal health officer deems that the public health and safety so demand, and the state board of health may adopt rules and regulations to obstruct and prevent the introduction or spread of smallpox or other communicable or infectious diseases into or within the state, and the state director of health shall have the power to enforce these regulations by detention and arrest, if necessary.

W. VA. CODE §16-3-2

- The county board of health of any county may declare quarantine therein, or in any particular district or place therein, whenever in their judgment it is necessary to prevent the spread of any communicable or infectious disease prevalent therein, or to prevent the introduction of any communicable or infectious disease prevailing in any other state, county or place, and of any and all persons and things likely to spread such infection

W. VA. §16-3-2 – ENFORCEMENT

- **Penalties.** Every person who shall fail or refuse to comply with any order made by such board under this section, and every person summoned as such guard who shall, without a lawful excuse, fail or refuse to obey the orders and directions of such board in enforcing said quarantine, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five nor more than two hundred dollars. In cases of emergency or actual necessity, and when the county commission or corporate authorities are from any cause unable to meet or to provide for the emergency or the necessity of the case, all actual expenditures necessary for local and county quarantine, as provided for in this section, shall be certified by the county board of health to the county commission, and the whole, or as much thereof as the said commission may deem right and proper, shall be paid out of the county treasury.

W. VA. CODE §16-3-3

- **Police Power and Limitations.** The state director of health shall have power to enter into any town, city, factory, railroad train, steamboat or other place whatsoever, and enter upon and inspect private property for the purpose of investigating the sanitary and hygienic conditions and the presence of cases of infectious diseases, and may, at his discretion, take charge of any epidemic or endemic conditions, and enforce such regulations as the state board of health may prescribe. All expenses incurred in controlling any endemic or epidemic conditions shall be paid by the county or municipality in which such epidemic occurs.

WHAT IF IT HAPPENED HERE?

- New Jersey Gov. Chris Christie and New York Gov. Andrew Cuomo were sharply criticized for ordering mandatory quarantines as Kaci Hickox spent the weekend in a tent.
- Maine Gov. Paul LePage Sends State Police To Enforce Ebola Quarantine
 - Nurse Kaci Hickox threatens legal action
 - Across the country, litigation seems unavoidable as health officials grapple with how to manage public health concerns once Ebola reached the U.S.

WHAT IF IT HAPPENED HERE? - CONTINUED

- For New Hampshire, the threat of Ebola is very low. But Gov. Maggie Hassan recently announced that anyone who has been in direct contact with Ebola patients in West Africa will be asked to isolate themselves for 21 days.
- "If you don't consent and agree to a quarantine order, the commissioner has the authority to request the same thing as a warrant," said attorney David Ruoff. "A justice of the peace would authorize law enforcement to pick you up and take you to the place where the commissioner says you should be quarantined."
- WVU TB incident – Student tested positive upon return from overseas -

LAW ENFORCEMENT A SUPPORT ROLE

- The power to regulate quarantines and isolation are not criminal laws, but rather, they are public health laws.
- Officers need to understand the distinction before an incident occurs to prevent over reaction and understand our role as support to health authorities.
- Education and preparations for gloves, gowns and masks should be in place for deployment. Officers need knowledge to prevent fear and related issues.

WVU INFECTIOUS DISEASE PLAN AND RESPONSIBILITIES ASSIGNED

- West Virginia University's administration will base medical decisions on how to reduce risks and respond to specific health threats that will reflect known best practices from local, county, state, national or global evaluation of the human impact of the disease. The continuum of the university's response begins with threat monitoring, focuses on health communication emphasizing personal care and includes protective actions intended to safeguard all members of the campus community, wherever they are located, should a health threat become particularly pervasive.

PLAN'S STATED PURPOSE

- This plan serves as a framework for the University's response to infectious diseases that present a threat to members of our campus community and surrounding areas. It provides guidance for monitoring, mitigation, communications and responses using the institutions resources and coordinated response with local, state or international agencies when threat management exceeds the institution's capabilities.

PRIMARY OFFICE OF RESPONSIBILITY

- WVU Medicine via Student Health
- University Police Department: Emergency Management Team (if EOC is activated)
- **Secondary/Support Agencies:**
 - WELLWVU
 - WVU Student Life Dean of Students
 - WVU University Relations
 - WVU Student Life and International Programs
 - WVU Environment Health and Safety
 - WVU Department of Human Resources (HRS)
 - WVU Facilities Management/Residence Life/Greek Life
 - WVU Transportation
 - Monongalia County EMS
 - Local Hospitals
 - Monongalia County Health Department
 - Monongalia County Emergency Management
 - WV Medical Examiner's Office
 - Centers for Disease Control and Prevention (CDC)
 - World Health Organization

CURRENT POLICIES

- WVU Study and Travel Abroad Programs – Recognizes risks to safety and security of students engaging in university affiliated travel, particularly the risks outlined by the U.S. Department of State when it issues a Travel Warning. The program establishes the circumstances under which student travel to countries subject to a U.S. State Department Travel Warning is permitted.
- WV Code §16-3-2 et. seq., disease control measures, authority of county board of health to order detention, quarantine or isolation of infected persons.
- Monongalia County / WVU *Emergency Response Plan – Pandemic Influenza Response* – outlines responsibilities and relationship with local bodies and WVU during various phases of a pandemic event.

CONCEPT OF OPERATIONS

- The WVU Medicine via Student Health will have general oversight on public health issues concerning the campus community and advises the university's administration senior leadership in regard to health communications and protective measures.
- Disease surveillance utilizing various methods of detection is conducted at state, national and international levels and serves as a sentinel system providing warning that a disease is spreading.
- Most campus health threats will be managed through typical interdepartmental coordination efforts. When extraordinary resources are necessary, WVU Medicine via Student Health may request through the Chief of Police that the Emergency Operations Center (EOC) be activated to an appropriate level providing support for the health threat response or health emergency. The University Police take the lead function for coordination of campus resources when the EOC is activated with local agencies.

MONITORING

- WVU Medicine via Student Health, Student Life, WELLWVU, HRS and the UPD offices will monitor information sources identifying domestic and international health threats to determine if or when actions may be useful or necessary to protect our campus community locally and abroad. Staff monitoring these information sources should share information obtained with other offices engaged in monitoring for further evaluation, consultation and general information.

PROTECTIVE MEASURES

Protective Measures are actions taken or restrictions imposed by the administration to more actively cause reduction in the transmission of diseases among persons in the campus community. These may involve required education on the health threat, enhancement of procedures or registration requirements, and suspension of activities which are not limited to:

- Enhanced environmental hygiene (housekeeping education or housekeeper retraining)
- Immunization / prophylaxis
- Travel restrictions concerning acutely affected locations
- Cancellation of classes / closure of campus residences
- Interventions including iterative symptom monitoring and quarantine

RESPONSIBILITIES/ACTIONS: WVU MEDICINE VIA STUDENT HEALTH /OR UPD (IF EOC IS ACTIVATED)

- Monitor reliable information sources for occurrences of infectious diseases which could impact the campus community;
- Advise university administration on present and emerging health threats to the campus community;
- Consult as necessary with International Programs concerning university affiliated travel issues;
- Provide personnel, equipment, supplies and other resources to coordinate and implement plans and programs for medical responses;
- Review emergency plans with associated health care providers;
- Support University Relations / Public Information with medically-based threat information;
- Request EOC support as may be necessary;
- Maintain a roster of key officials for medical / public health support.
- Notify Monongalia County Health department of health threats and or infectious disease occurrences.

PRESIDENT / PROVOST

- Monitor reliable information sources for occurrences of infectious diseases which could impact the campus community;
- Advise / consult with the Student Center for Health on present and emerging health threats to which the campus community may become exposed;
- Request EOC support through the UPD if necessary;
- Maintain a roster of key officials supporting university affiliated travel activities;
- Communicate with local and state authorities if necessary.

UNIVERSITY RELATIONS /OR PUBLIC COMMUNICATIONS

- Produce, in coordination with WVU Medicine via Student Health, health communications messages for use in various media; coordinate with county officials regarding release of public information.
- Monitor social media and report on items related to
- Maintain roster of county and state official affiliated with public information communication and releases.

UNIVERSITY POLICE DEPARTMENT

- Monitor reliable information sources for occurrences of infectious diseases which could impact the campus community;
- Advise / consult with the Student Center for Health on present and emerging health threats to which the campus community may become exposed;
- Activate MECCA EOC support if necessary;
- Maintain WVU Emergency Operation Plan;
- Maintain typical response equipment (gloves, masks, and gowns);
- Enforcement of court orders and quarantines if necessary.

ENVIRONMENT HEALTH AND SAFETY

- Monitor reliable information sources for occurrences of infectious diseases which could impact the campus community;
- Advise / consult with the Student Center for Health on present and emerging health threats to which the campus community may become exposed;
- Provide technical, training and operational support if necessary;
- Maintain a roster of key officials supporting university affiliated travel activities;
- Advise city, county, and state of issues.

DEPARTMENT OF HUMAN RESOURCES (HRS) - EMPLOYEES

- Monitor reliable information sources for occurrences of infectious diseases which could impact the campus community;
- Advise university administration on present and emerging health threats to the campus community;
- Consult as necessary with International Programs concerning university affiliated travel issues;
- Review emergency plans with associated teams and training;
- Support University Relations / Public Information with employee-based threat information;
- Maintain a roster of key officials for medical / public health support.

FACILITIES MANAGEMENT/RESIDENCE LIFE

- Monitor reliable information sources for occurrences of infectious diseases which could impact the campus community;
- Advise / consult with the Student Center for Health on present and emerging health threats to which the campus community may become exposed;
- Provide support and operations to maintain proper handling of cleaning and disposal of waste, may require contracting specialized services and delivery of meals or special menu considerations and respond to quarantine or isolation orders. Secure training for staff to reduce risks of spreading or contracting diseases.
- Maintain a roster of key officials supporting university affiliated travel activities;
- For students living off campus, coordinate with local and county officials where exposure and spread of disease may occur.

TRANSPORTATION

- Monitor reliable information sources for occurrences of infectious diseases which could impact the campus community;
- Advise / consult with the Student Center for Health on present and emerging health threats to which the campus community may become exposed;
- Provide support and operations to maintain proper transports and cleaning of vehicles. Secure training for drivers and support staff to reduce risks of spreading or contracting diseases.
- Maintain a roster of key officials supporting university affiliated travel activities;
- Contact EH&S, local and county officials for latest standard operation procedures for disinfection and disposal of infected materials.