

18 September 2015

NOTICE OF PROPOSED RULEMAKING
Proposed New Public Health Regulation
Chapter 511-9-1 “Isolation and Quarantine”

Please take note that the Department of Public Health proposes to enact Chapter 511-9-1 “Isolation and Quarantine” pursuant to its authority under O.C.G.A. § 31-2A-6 and 31-12-4.

The Department has the legal authority under Code Section 31-12-4 to impose isolate or quarantine measures in order to prevent the spread of communicable disease. That Code Section also requires the Department to promulgate regulations for the implementation of isolation and quarantine in a time of declared emergency. Among other things, the Department seeks to incorporate safeguards into these regulations to protect the legal rights of persons who may be subject to isolation or quarantine.

Interested persons may submit comments on these proposed revisions in writing addressed to:

Sidney R. Barrett, Jr.
General Counsel
Georgia Department of Public Health
2 Peachtree Street, NW
15th Floor
Atlanta GA 30303

Comment may also be presented in person at a public meeting scheduled for 10:00 a.m., 15 October 2015, in room 9-260 at 2 Peachtree Street, NW, 15th Floor, Atlanta GA.



Sidney R. Barrett, Jr.
General Counsel



**RULES OF THE
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-9-1
Isolation and Quarantine**

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511-9-1-.01 Scope and Purpose.

(1) These regulations are enacted pursuant to Title 31 and Title 38 of the Georgia Code, and apply to the exercise of authority by the Department and local county boards of health to order measures necessary to prevent the spread of communicable diseases or conditions likely to endanger the public health.

(2) The purpose of this Chapter is to ensure uniform and coordinated efforts to prevent or respond to a potential public health emergency through the implementation of public health control measures, and to protect the rights of individuals who may be subject to such measures.

(3) This Chapter shall not apply to the isolation or treatment of individuals with tuberculosis.

Authority: O.C.G.A. Sections 31-2A-2, 31-2A-3, 31-2A-4, 31-2A-6, 31-3-4, 31-12-2.1, 31-12-3, 31-12-4, 38-3-51.

511-9-1-.02 Definitions.

- (1) **“Commissioner”** means the Commissioner of the Department of Public Health.
- (2) **“Communicable Disease”** means an infectious disease that can be transmitted from individual to individual.
- (3) **“County Board of Health”** means a county board of health organized pursuant to O.C.G.A. § 31-3-1 et seq.
- (4) **“Department”** means the Department of Public Health
- (5) **“District Health Director”** means a physician who has been appointed and approved in accordance with O.C.G.A. § 31-3-15 to act as the chief executive officer of the county boards of health within a Public Health District.
- (6) **“Epidemic”** means an outbreak, or rise in incidence rate, or spread of incidence of a contagious or infectious disease so as to constitute a clear and present risk of infection to the public at large or to congregated groups thereof.
- (7) **“Isolate”** means to separate, confine, or restrict the movement of persons who are infected with a communicable disease.
- (8) **“Pandemic”** means an epidemic occurring worldwide, or over a very wide area, crossing international boundaries and usually affecting a large number of people.
- (9) **“Public Health District”** means the geographical districts established in accordance with O.C.G.A. § 31-3-15.
- (10) **“Public health emergency”** means a declaration of emergency by the Governor due to the occurrence or imminent threat of an illness or health condition that is believed to be caused by bioterrorism, or the appearance of a novel, previously controlled, or eradicated infectious agent or biological toxin, which poses a high probability of a large number of deaths in the affected population, a large number of serious or long-term disabilities in the affected population, or widespread exposure to an infectious or toxic agent that poses a significant risk of future harm to a large number of people in the affected population.
- (11) **“Pandemic influenza emergency”** means a declaration of emergency by the Governor following a declaration by the World Health Organization of at least a Phase 5 Pandemic Alert for influenza occurring in the United States or the State of Georgia, or a declaration by the Centers for Disease Control and Prevention of at least a Category 2 Pandemic Severity Index for influenza occurring in the United States or the State of Georgia.

(12) **“Quarantine”** means to separate, confine, or restrict the movement of persons who were or may have been exposed to a communicable disease.

(13) **“Social Distancing”** means the measures taken whether voluntarily or under an administrative or judicial order to limit or prevent the spread of disease or exposure to toxic conditions. Such measures may include exclusion policies, isolation, quarantine, curfew, partial or complete closure of facilities including places of business, whether public or private, and restriction of movement, including the closing of borders.

(14) **“State of Emergency”** means the formal declaration of a state of emergency by the Governor in accordance with Code Section 38-3-51(a).

(15) **“Surveillance”** means the continuous, systematic collection, analysis and interpretation of health-related data needed for the planning, implementation, and evaluation of public health practice. Surveillance may include monitoring the health of individuals or groups, and may include mandatory reporting by health care providers and others.

Authority: O.C.G.A. Sections 31-2A-4, 31-3-1, 31-3-15, 31-12-2.1, 31-12-3, 31-12-4, 38-3-3, 38-3-51.

511-9-1-.03 Public Health Control Measures

(1) Upon report of a communicable disease dangerous to the public health, or upon discovery that an individual or group of individuals may be infected with or may have been exposed to a communicable disease, the Department may exercise the authorities and powers set forth in Titles 31 and 38 of the Georgia Code, including social distancing, as determined necessary to control the spread of disease.

(2) In order to control the spread of a communicable disease that may pose a threat to the public health, the Department may:

(a) Isolate suspected infected persons with communicable diseases or conditions likely to endanger the health of others, until they are found to be free of the infectious agent or disease;

(b) Quarantine persons exposed to, or suspected of being infected with, a communicable disease until they are found to be free of the infectious agent or disease;

(c) Require surveillance, including the active and direct active monitoring of carriers of disease and persons exposed to, or suspected of being infected with, a communicable disease, until it is determined that they no longer pose a threat of spreading disease;

(d) Require persons to be vaccinated or immunized, examined, and treated;

1. Except as provided in subsection (2) below, an individual shall be exempt from vaccination or immunization if the person, or the parent or legal guardian in the case of a minor, furnishes an affidavit that substantially complies with DPH Rule 511-2-2-.07.

2. The Department may require vaccination or immunization of those who object on the grounds of religious beliefs if it is determined that an epidemic or the threat of an epidemic exists;

(e) Restrict travel into or within the state.

(f) Limit or cancel public gatherings.

(g) The Department is authorized to require the closure, evacuation, or decontamination of any facility, or the destruction or decontamination of any contaminated materials, that the Department reasonably suspects would pose a danger to public health.

(3) The Department may implement a public health control measure through the issuance of an administrative order.

(4) When implementing a public health control measure, the Department may coordinate efforts with any of the local county boards of health or Public Health District staff.

(5) In addition to the measures authorized in paragraph (2) of this regulation, during a declared state of emergency, the Department shall establish any other public health control measures necessary to prevent and suppress disease and conditions deleterious to health as directed by the Governor.

Authority: O.C.G.A. Sections 31-2A-4, 31-12-2.1, 31-12-3, 31-12-4, 38-3-51.

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511-9-1-.04 Powers of the County Boards of Health to Implement Public Health Control Measures.

(1) Upon report of a communicable disease dangerous to the public health, or upon discovery that an individual or group of individuals may be infected with or may have been exposed to a communicable disease, the District Health Directors may, in their capacity as chief executive officers of the County Boards of Health, exercise the authorities and powers set forth in Titles 31 of the Georgia Code, including social distancing, as determined necessary to control the spread of disease.

(2) In order to control the spread of a communicable disease that may pose a threat to the public health, the District Health Directors may:

(a) Isolate suspected infected persons with communicable diseases or conditions likely to endanger the health of others;

(b) Require persons to be vaccinated or immunized, examined, and treated;

1. Except as provided in subsection (2) below, an individual shall be exempt from vaccination or immunization if the person, or the parent or legal guardian in the case of a minor, furnishes an affidavit that substantially complies with DPH Rule 511-2-2-.07.

2. The District Health Directors may require vaccination or immunization of those who object on the grounds of religious beliefs if it is determined that an epidemic or the threat of an epidemic exists.

(c) The District Health Directors are hereby delegated the authority to issue quarantine orders on behalf of the Department within their respective Districts, and to take all actions associated with that authority in accordance with the Georgia Code and these rules and regulations; provided, however, that the District Health Directors shall consult with the Commissioner before issuing an order for quarantine. The District Health Directors may enlist the aid of any county health department personnel under their supervision to enforce an order of quarantine.

(d) The District Health Directors are hereby delegated the authority to close, evacuate, or decontaminate, as appropriate, any facility when there is reasonable belief that such facility may endanger the public health, and to enlist the aid of any county health department personnel under their supervision; provided, however, that the District Health Directors shall consult with the Commissioner before issuing an order to close, evacuate, or decontaminate a facility.

(e) The District Health Directors may implement any control measure through the issuance of an administrative order.

Authority: O.C.G.A. Sections 31-2A-4, 31-3-4, 31-12-2.1, 31-12-3, 31-12-4, 38-3-51.

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511-9-1-.05 Procedures for Implementing Isolation and Quarantine.

(1) **Issuance of Isolation or Quarantine Orders.** The isolation or quarantine of an individual or group, whether during a declared state of emergency or not, shall be conducted as follows:

(a) A written administrative order to isolate or quarantine an individual or group of individuals shall be issued when voluntary measures are deemed impracticable or ineffective. Orders shall become effective immediately upon issuance.

(b) Orders for isolation and quarantine may include, without limitation, confinement in a residence or other private or public premises including medical and non-medical facilities; conditions on travel or behavior; and exclusion of individuals or groups from certain places, including but not limited to school, workplace, public conveyances, and other places where members of the public may congregate.

(c) Administrative orders to isolate or quarantine an individual or a group of individuals may be issued orally if delay in imposing the isolation or quarantine would pose a serious imminent danger to the public health. If an oral order is issued, a written order shall be issued as soon as is reasonably possible, but in no event later than 24 hours following the issuance of the oral order.

(d) A copy of the written order shall be personally delivered to the individual to be isolated or quarantined or, if that is not possible, by any means reasonably calculated to provide actual notice. If the order applies to a group of individuals and it is impractical to provide individual copies, the order shall be posted in a conspicuous place in the isolation or quarantine premises.

(e) The order of isolation or quarantine shall include the following:

1. Full name and address of person or identity of the group subject to the order.

2. The clinical basis for believing that the individual or group is infected with, or may have been exposed to, a communicable disease.

3. The location where the individual or group will be confined during the period of isolation or quarantine.

4. The exact date and time when the period of isolation or quarantine will expire. If it is not possible to fix an exact date, then the order should specify the conditions or circumstances under which the individual or group would no longer pose a threat to the public health and confinement would end (e.g., the disappearance or absence of specified clinical symptoms.)

5. The conditions under which the individual or group will be isolated or quarantined.

6. Notice of right to challenge the isolation or quarantine.

(f) When individuals or groups are isolated or quarantined, whether through an administrative order or through voluntary compliance, the Department or county board of health shall determine what method and place of isolation or quarantine is appropriate based upon the suitability of an individual's home or other designated facility and the services available.

(g) To the greatest extent that it is possible to do so without jeopardizing the integrity of the isolation or quarantine, the authority issuing the isolation or quarantine order shall preserve and facilitate the ability of isolated and quarantined individuals to communicate with the outside world, and in particular to exchange confidential communications with legal and medical advisors of their choice.

(2) **Appeal From Isolation or Quarantine Orders Issued By a County Board of Health.**

(a) Individuals or groups subject to an administrative order issued under the authority of a county board of health may seek review of the order in accordance with O.C.G.A. § 31-5-3(a) by written request to the Department of Public Health, Office of General Counsel, with a copy to the person who signed the order on behalf of the county board of health.

(b) Upon receiving notice of the appeal, the person who signed the isolation or quarantine order shall immediately provide the Office of General Counsel and the subject of the appeal with a copy of all documents pertaining to the decision to issue the order and the grounds therefore. This may be done by electronic means.

(c) The hearing of an appeal from an order of a county board of health shall be conducted by a person designated by the Office of General Counsel. The Department shall make best efforts to expedite a hearing and decision on the appeal, including but not limited to the use of telephonic hearings.

(d) A request for a hearing shall not stay an isolation or quarantine order.

(3) **Control of isolation and quarantine premises.**

(a) The Commissioner or District Health Director may authorize physicians, healthcare workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

(b) No person, other than those authorized by the Commissioner or by a District Health Director, shall enter isolation or quarantine premises.

(c) Any person entering isolation or quarantine premises may be required to wear personal protective equipment or receive vaccination or any other preventative care as appropriate.

(d) Any person entering isolation or quarantine premises, with or without authorization, may be subject to an order of quarantine as deemed medically necessary.

Authority: O.C.G.A. Sections 31-2A-4, 31-12-2.1, 31-5-8, 31-12-3, 31-12-4, 38-3-51.

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Barrett, Sidney

From: Barrett, Sidney
Sent: Friday, September 18, 2015 3:41 PM
To: 'Jennifer.burgess@legis.ga.gov'
Subject: Department of Public Health: Proposed Rulemaking "Isolation and Quarantine" Chapter 511-9-1
Attachments: 1454_001.pdf

Jennifer:

Here is a notice of proposed rulemaking. I believe you ordinarily refer our rules to the House and Senate Health Committees. Code Section 31-12-4 calls for rules on this particular subject (isolation and quarantine) to also go to the Judiciary Committees of both chambers.

Thanks!

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