

36-624. Quarantine and sanitary measures to prevent contagion

When a county health department or public health services district is apprised that infectious or contagious disease exists within its jurisdiction, it shall immediately make an investigation. If the investigation discloses that the disease does exist, the county health department or public health services district may adopt quarantine and sanitary measures consistent with department rules and sections 36-788 and 36-789 to prevent the spread of the disease. The county health department or public health services district shall immediately notify the department of health services of the existence and nature of the disease and measures taken concerning it.

36-114. Limitation upon authority to impose treatment

Nothing in this title shall authorize the department or any of its officers or representatives to impose on any person against his will any mode of treatment, provided that sanitary or preventive measures and quarantine laws are complied with by the person. Nothing in this title shall authorize the department or any of its officers or representatives to impose on any person contrary to his religious concepts any mode of treatment, provided that sanitary or preventive measures and quarantine laws are complied with by the person.

36-787. Public health authority during state of emergency or state of war emergency

- A. During a state of emergency or state of war emergency declared by the governor in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, an epidemic or pandemic disease or a highly fatal infectious agent or biological toxin and that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability, the department shall coordinate all matters pertaining to the public health emergency response of the state. The department has primary jurisdiction, responsibility and authority for:
1. Planning and executing public health emergency assessment, mitigation, preparedness response and recovery for this state.
  2. Coordinating public health emergency response among state, local and tribal authorities.
  3. Collaborating with relevant federal government authorities, elected officials of other states, private organizations and private sector companies.
  4. Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies.
  5. Organizing public information activities regarding state public health emergency response operations.

6. Establishing, in conjunction with applicable professional licensing boards, a process for temporary waiver of the professional licensure requirements necessary for the implementation of any measures required to adequately address the state of emergency or state of war emergency.
  7. Granting temporary waivers of health care institution licensure requirements necessary for implementation of any measures required to adequately address the state of emergency or state of war emergency.
- B. In addition to the authority provided in subsection A of this section, during a state of emergency or state of war emergency, the governor, in consultation with the director of the department of health services, may issue orders that:
1. Mandate medical examinations for exposed persons.
  2. Ration medicine and vaccines.
  3. Provide for transportation of medical support personnel and ill and exposed persons.
  4. Provide for procurement of medicines and vaccines.
- C. In addition to the authority provided in subsections A and B, during a state of emergency or state of war emergency in which there is an occurrence or the imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease with transmission characteristics similar to smallpox, the governor, in consultation with the director of the department of health services, may issue orders that:
1. Mandate treatment or vaccination of persons who are diagnosed with illness resulting from exposure or who are reasonably believed to have been exposed or who may reasonably be expected to be exposed.
  2. Isolate and **quarantine** persons.
- D. Law enforcement officials of this state and the national guard shall enforce orders issued by the governor under this section.
- E. Diseases subject to this section do not include acquired immune deficiency syndrome or other infection caused by the human immunodeficiency virus.
- F. If during a state of emergency or state of war emergency the public health is not endangered nothing in this title shall authorize the department or any of its officers or representatives to impose on any person against the person's will any mode of treatment, provided that sanitary or preventive measures and **quarantine** laws are complied with by the person. Nothing in this title shall authorize the department or any of its officers or representatives to impose on any person contrary to his religious concepts any mode of

treatment, provided that sanitary or preventive measures and **quarantine** laws are complied with by the person.

- G. At the governor's direction, the department may use reasonable efforts to assist the persons and institutions affected by the state of emergency or state of war emergency declared pursuant to this section in seeking reimbursement of costs incurred as a result of providing services related to the implementation of isolation and **quarantine** under this article to the extent these services are not otherwise subject to reimbursement.

36-788. Isolation and **quarantine** during a state of emergency or state of war emergency

- A. During a state of emergency or state of war emergency as declared pursuant to section 36-787, the department or local health authority must initiate an investigation if that agency has reasonable cause to believe that a highly contagious and fatal disease exists within its jurisdiction. Subject to the provisions of this article, persons who have contracted the disease or who have been exposed to the disease may be subject to isolation and **quarantine** if the director determines that **quarantine** is the least restrictive means by which the public can be protected from transmission of the disease, due to the nature of the disease and available preventive measures, or refusal by an individual to accept less restrictive measures to prevent disease transmission. Diseases for which isolation and **quarantine** may be ordered do not include acquired immune deficiency syndrome or other infection caused by the human immunodeficiency virus.
- B. The department or local health authority may, during the state of emergency or state of war emergency declared by the governor, do the following:
  - 1. Establish and maintain places of isolation and **quarantine**, which may include the residence of the person quarantined.
  - 2. Require isolation or **quarantine** of any person by the least restrictive means necessary to protect the public health. The department or local health authority shall use all reasonable means to prevent the transmission of disease among the isolated or quarantined persons.
- C. The department, a county health department or a public health services district shall ensure, to the extent possible, that the premises in which a person is isolated or quarantined is maintained in a safe and hygienic manner and is designed to minimize the likelihood of further transmission of disease or other harm to a person subject to isolation or **quarantine**. Adequate food, clothing, medication and other necessities, competent medical care and means of communicating with those in and outside these settings shall be made available.
- D. A person subject to isolation or **quarantine** shall comply with the department's or local health authority's rules and orders, shall not go beyond the isolation or **quarantine** premises and shall not come in contact with any person not subject to isolation or

**quarantine** other than a physician or other health care provider, department or local health authority or person authorized to enter an isolation or **quarantine** premises by the department or local health authority.

- E. Other than a person authorized by the department or local health authority, a person shall not enter an isolation or **quarantine** premises. If, by reason of an unauthorized entry into an isolation or **quarantine** premises, the person poses a danger to public health, the department, or local health authority may place the person in isolation or **quarantine** pursuant to this section or section 36-789.
- F. The department, or local health authority must terminate isolation or **quarantine** of a person if it determines that the isolation or **quarantine** is no longer necessary to protect the public health.

36-789. Due process for isolation and **quarantine** during a state of emergency or state of war emergency

- A. The department, or local health authority may isolate or **quarantine** a person or group of persons through a written directive without first obtaining a written order from the court if any delay in the isolation or **quarantine** of the person would pose an immediate and serious threat to the public health. The directive shall:
  - 1. Specify the identity of the person or persons subject to isolation or **quarantine**, the premises subject to isolation or **quarantine**, the date and time at which isolation or **quarantine** commences, the suspected highly contagious and fatal disease, if known, and that a state of emergency has been declared by the governor.
  - 2. Be given to the person or persons to be isolated or quarantined. if the directive applies to groups of persons and it is impractical to provide individual copies, it may be posted in a conspicuous place in the isolation or **quarantine** premises.
- B. Within ten days after issuing the written directive, or when any delay in the isolation or **quarantine** of a person or group of persons will not pose an immediate and serious threat to the public health, the department or local health authority shall file a petition for a court order authorizing the initial or continued isolation or **quarantine** of a person or group of persons. The petition shall specify the following:
  - 1. The identity of the person or group of persons subject 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 contagious disease, if known.

5. A statement of compliance with the conditions and principles for isolation and **quarantine**.
  6. A statement of the basis on which isolation or **quarantine** is justified pursuant to this article.
- C. The petition must be accompanied by the sworn affidavit of the department or local health authority attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.
  - D. Notice to a person or group of persons identified in a petition filed pursuant to subsection B of this section must be completed within twenty-four hours after filing the petition and in accordance with the rules of civil procedure.
  - E. A hearing must be held on a petition filed pursuant to this section within five days after filing of the petition. In extraordinary circumstances and for good cause shown, the department or local health authority may apply to continue the hearing date on a petition for not more than ten days. If the court grants a continuance it must give due regard to the rights of the affected persons, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.
  - F. The court shall grant the petition if, by a preponderance of the evidence, isolation or **quarantine** is shown to be reasonably necessary to protect the public health.
  - G. A court order authorizing isolation or **quarantine** may do so for a period not to exceed thirty days. The order must:
    1. Identify the isolated or quarantined person or group of persons by name or shared or similar characteristics or circumstances.
    2. Specify factual findings warranting isolation or **quarantine** pursuant to this article, including any conditions necessary to ensure that isolation or **quarantine** is carried out within the stated purposes and restrictions of this article.
    3. Be served on an affected person or group of persons in accordance with the rules of civil procedure.
  - H. Before an isolation or **quarantine** order expires, the department or local health authority may move to continue the isolation or **quarantine** for an additional period not to exceed thirty days. The court shall grant the motion if, by a preponderance of the evidence, isolation or **quarantine** is shown to be reasonably necessary to protect the public health.
  - I. A person or group of persons isolated or quarantined pursuant to this section may apply to the court for an order to show cause why the person or group of persons should not be released. The court must rule on the application to show cause within forty-eight hours

after it is filed. If the court grants the application, the court must schedule a hearing on the order to show cause within twenty-four hours after it issues the order to show cause. The issuance of an order to show cause does not stay or enjoin an isolation or **quarantine** order.

- J. A person isolated or quarantined pursuant to this section may request a court hearing regarding the person's treatment and the conditions of the **quarantine** or isolation.
- K. On receiving a request for a hearing pursuant to subsection J of this section, the court must set a date for a hearing. The hearing must take place within ten days after the court receives the request. The request for a hearing does not alter the order of isolation or **quarantine**. If the court finds that the isolation or **quarantine** of the person or group of persons does not comply with the requirements of this section or section 36-788, the court may provide remedies appropriate to the circumstances of the state of emergency, the rights of the individual and in keeping with the provisions of this article.
- L. A record of the proceedings pursuant to this section shall be made and retained. If, because of a state of emergency or state of war emergency declared pursuant to section 36-787, parties cannot personally appear before the court, the proceedings may be conducted by the authorized representatives of the parties and held by any means that allows all parties to fully participate.
- M. The court shall appoint counsel at state expense to represent a person or group of persons who is subject to isolation or **quarantine** pursuant to this article and who is not otherwise represented by counsel. Representation by appointed counsel continues throughout the duration of the isolation or **quarantine** of the person or group of persons. The department or local health authority must provide adequate means of communication between the isolated or quarantined persons and their counsel.
- N. In any proceedings brought pursuant to this section, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected persons, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into groups of claims if:
  - 1. The number of persons involved or to be affected is so large as to render individual participation impractical.
  - 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 person's claims or rights.
  - 4. The entire group will be adequately represented in the consolidation.



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## **BIOTERRORISM/EMERGENCY PREPAREDNESS RESPONSE PROGRAM**

### **PROTOCOL FOR 24/7 STAFF NOTIFICATION AND ACTIVATION IN RESPONSE TO A THREAT OF BIOTERRORISM**

Focus Area A; Deliverable A3, A4

Initial contact should be made with these members of the Public Health Emergency Response staff: the Bioterrorism Coordinator, the Assistant BT Coordinator, or the Health Director. Other GRCHD Staff will be alerted in accordance with the needs of the situation as information becomes available. Graham County Administrative Staff and the Arizona Department of Health Services (ADHS) Office of Public Health Emergency Preparedness and Response (OPHEPR) will be notified when a possible bioterrorism event is suspected.

The current 'Emergency Contact List' has been given to the Graham County Sheriff's Department, as well as each GRCHD Staff Person whose name appears on the list. GRCHD staff identified on the list shall maintain a current copy of the list both at work and at home. The list will be updated as changes occur and copies distributed to the appropriate staff.

The following protocol, effective as of 10-1-02, describes the process for activating the system and initiating notification of a public health emergency:

- Call the GRCHD Bioterrorism (BT) Coordinator and/or the Assistant BT Coordinator at the work or cell phone number listed, or dial the pager number. If initial contact cannot be made with the BT Coordinator/Assistant, page or call the Health Director at any of the indicated numbers.
- Upon being notified, the BT Coordinator/Assistant Coordinator shall at the earliest opportunity notify the Health Director, County Manager, Sheriff's Department, the Medical Expert and/or alternate (Medical Examiner), and ADHS – OPHEPR.
- In the event that there is no answer to the contact numbers for the BT Coordinator, Assistant BT Coordinator, or the Health Director, call the Sheriff's Department Dispatcher at 911 or 428-3141. The Sheriff's Dept. will attempt to make contact with the Coordinator or Assistant, the Director, the next available GRCHD Staff Person, the Medical Expert, and/or the Medical Examiner. The Sheriff's Department will make notification either by phone or in person.

Further activation steps will be taken when it becomes apparent through surveillance indicators and/or hospital reports that a major outbreak is occurring. Local, state and national resources will be requested as the situation warrants. Full activation of the Emergency Operations Center will occur as established by Graham County's Emergency Operation Plan. Semi-annual or more frequent checks of this notification system will be exercised on an unannounced basis by the BT Coordinator, Assistant BT Coordinator, or the Health Director.

### **DIAGRAM OF NOTIFICATION**

1. Call the GRCHD Bioterrorism (BT) Coordinator or Assistant at the work, cell phone, or pager number listed. The BT Coordinator or Assistant then notifies the Health Director, County Manager, Sheriff's Department, Medical Expert/Examiner, and ADHS – OPHEPR.

NOTE: Unless otherwise listed, area code for all Graham County phone/pager numbers is 928.

2. If initial contact cannot be made with the BT Coordinator or Assistant, call the Health Director or County Manager at any of the numbers listed.
3. If unable to reach any of the above people, call Dispatch at the Sheriff's Office. Ask them to page the Sheriff and the Medical Expert or Medical Examiner (according to availability). If necessary, call the ADHS – OPHEPR.
4. State the nature of the emergency and supply information as requested.

**ADHS, Office of Public Health Emergency**  
**Preparedness and Response**

Phone: 602-364-3289

After hrs. answering service: 480-303-1191

Ask for staff member on call

5. Call any other person next on the Emergency Contact List as it becomes necessary according to the incident.
6. As time permits, continue attempts to reach one of the first four people listed on page 2 until contact is made.

