



## **Boston Public Health Commission**

### **Regulation for the Isolation and Quarantine of Individuals with Infectious Disease Dangerous to the Public Health**

**Adopted November 5, 2003**

**WHEREAS**, the recent epidemic of SARS (Severe Acute Respiratory Syndrome) necessitated large scale quarantines in Asia and Canada;

**WHEREAS**, additional new infectious diseases are expected to arise and require public health containment measures, and;

**WHEREAS**, the continued threat of bioterrorism, presents public health issues, unprecedented in modern times, that may require the isolation or quarantine of individuals; and,

**WHEREAS**, the laws of the Commonwealth of Massachusetts requires that a board of health investigate diseases dangerous to the public health and take such measures as may be necessary to prevent the spread of such disease, including the use of isolation and quarantine.

**NOW THEREFORE** the Boston Public Health Commission enacts the following regulation, to be adopted for the express purpose of protecting the public health from Infectious Disease Dangerous to the Public Health.

#### **I. Definitions**

**Health Care Provider.** Any doctor of medicine, osteopathy, or dental science, or a registered nurse, social worker, doctor of chiropractic, or psychologist licensed under the provisions of chapter one hundred and twelve, or an intern, or a resident, fellow, or medical officer licensed under section nine of said chapter one hundred and twelve, or a hospital, clinic or nursing home licensed under the provisions of chapter one hundred and eleven and its agents and employees, or a public hospital and its agents and employees or any Emergency Medical Technician as define in M.G.L. c. 111 section 1.

**Infectious Disease Dangerous to the Public Health.** For the purpose of these protocols shall mean all diseases reportable to a local board of health pursuant to 105 CMR 300.100, any uncommon, unusual or rare diseases reportable pursuant to 105 CMR 300.133 or any illness believed to be part of an outbreak or cluster reportable pursuant to 105 CMR 300.134.

**Isolation.** Separation, for the period of communicability, of infected persons from others in such places and under such conditions as will prevent the direct or indirect transmission of an infectious agent to susceptible people or to those who may spread the agent to others. This applies also to animals.

**Quarantine.** Restricting the freedom of movement of well persons who have been exposed to a communicable disease for a period of time relating to the usual incubation period of the disease, in order to prevent effective contact with those not so exposed.

## **II. Guidelines**

The Executive Director of the Boston Public Health Commission may issue guidelines for the implementation of this regulation, including but not limited to definitions of terms as used in these regulations and in the guidelines. In the event of a conflict between these regulations and the guidelines, as either may be amended, the regulation shall control.

## **III. Duty to Report**

1. Cases or suspected cases of any infectious disease dangerous to the public health, shall be reported by household members, physicians and all other health care providers in the City of Boston, by telephone, in writing, facsimile or other electronic means, as approved by the Executive Director, immediately but in no case more than 24 hours after diagnosis or identification. When available, name, date of birth, age, sex, address, place of employment, school and disease must be included for each report.
2. Failure to report, report in a timely manner or provide adequate information regarding any infectious disease dangerous to the public health may result in the assessment of a fine pursuant to Section X of this regulation.

## **IV. Investigation**

### **A. Threat assessment**

1. Upon notification that a infectious disease dangerous to the public health, including those diseases listed in 105 CMR 172.001, may exist in the City of Boston, the Director of the Communicable Disease Control for the Boston Public Health Commission (hereinafter “Director”) shall authorize the investigation into the existence, source, spread and effect of such disease.
2. The Director shall notify the Executive Director of the Boston Public Health Commission (hereinafter “Executive Director”) and appoint such Officers as are necessary to complete the investigation in a timely manner.

3. The investigation shall have priority access to resources of the Boston Public Health Commission and shall conduct such interviews, tests, collection of samples and any other procedures as necessary.
4. All subjects of the investigation, including healthcare providers, shall cooperate to the fullest extent with all requests of the investigating officers. Failure to provide necessary information or otherwise cooperate shall be considered a violation of this regulation and may be the subject of a fine, isolation or quarantine.

## **B. Notification**

1. During the investigation, the Director shall notify the Executive Director of the results of the investigation and provide a list of individuals who have been confirmed to be infected with the disease, persons exhibiting symptoms of the disease and persons who may have been significantly exposed to the disease.
2. If an infectious disease listed in 105 CMR 172.001 has been identified, the Executive Director or designee, shall notify the Massachusetts Department of Public Health pursuant to 105 CMR 300.110.
3. In addition, the Executive Director or designee shall notify each member of the Board of the Boston Public Health Commission.

## **V. Plan of Action**

### **A. General Response**

1. Based upon the findings of the investigation, the Director shall advise the Executive Director on a plan of action which shall include:
  - a. Treatment protocols;
  - b. Public Education strategies;
  - c. Containment strategy; and,
  - d. Risk assessment.
2. The Director shall issue written treatment guidelines and information sheets to healthcare providers, universities or other educational institutions and correctional facilities in the City of Boston, as appropriate.
  - a. Such treatment guidelines shall be in accordance with good clinical practice, to the extent possible, with any treatment guidelines issued by the Center for Disease Control and Prevention and the Massachusetts Department of Public Health.
  - b. Failure of any healthcare provider, university or other educational institution or correctional facility to provide treatment in accordance with said guidelines shall be a violation of this regulation and subject to a fine.

3. The Director shall update the plan of action on a regular basis as necessary.

## **B. Individual Response**

1. All individuals who have been confirmed to be infected with the disease, exhibit symptoms of the disease or may have been significantly exposed to the disease shall be examined and be provided with the appropriate treatment protocols.
2. With the approval of the Director, an individual may obtain treatment from a private healthcare provider in accordance with the prescribed treatment protocols and voluntarily comply with any isolation or quarantine provisions in the treatment protocols.
3. In an effort to ensure voluntary compliance the Director shall provide the individual with suitable material regarding the effects of the disease, guidelines for isolation or quarantine and follow up visits by Commission staff, as deemed necessary.

## **VI. Isolation**

### **A. Determination of Need for Involuntary Isolation**

1. If, in the opinion of the Director and the Medical Director of the Boston Public Health Commission (hereinafter “Medical Director”) the course of treatment prescribed in the treatment protocols and voluntary isolation, is not sufficient to contain the spread of the disease the Director shall recommend that the Executive Director issue an order of isolation.
2. The Executive Director upon determining the individual or individuals in question are a significant threat to the public health may issue an order of isolation.

### **B. Order of Isolation**

1. An order of isolation shall provide that the individual and all other individuals residing on the premises shall be under the jurisdiction of the Boston Public Health Commission and that violation of such order shall subject the offender to fines and/or arrest.
2. In addition the order shall contain the following:
  - a. Name and identifying information of the individual(s) subject to the order;
  - b. Brief statement of the facts warranting the isolation;
  - c. Conditions for termination of the order;
  - d. Duration of isolation period;
  - e. The place of isolation;
  - f. Required treatment protocols;

- g. Guidelines for visitation if allowed;
  - h. Instructions on the disinfecting or disposal of any personal property of the individual;
  - i. Precautions to prevent the spread of the subject disease; and,
  - j. Individuals right to an independent medical exam and appeal procedures.
3. Upon determination of the Director that the individual is no longer a significant threat to the public health or upon the expiration of such time designated by the Order of Isolation, the individual shall be released from isolation, unless a further Order of Isolation is issued.
4. No Order of Isolation shall exceed fourteen (14) days in duration. If at the conclusion of the fourteen (14) day period the Director determines that the individual is still a significant threat to the public health, he/she shall so advise the Executive Director, who after reviewing the recommendations of the Director and any other relevant information may issue a further Order of Isolation.
5. Upon release from isolation, the individual shall still be under the jurisdiction of the Board until such time as the Director shall issue a Certificate of Health, certifying that the individual has completed the terms of the Order of Isolation and successfully completed the prescribed course of treatment.

### **C. Enforcement of Order of Isolation**

1. Upon issuance of an order of isolation, the Director shall designate a facility in which the individual shall be confined. Such facility shall provide for, no contact with the public, suitable living space and any other amenity specified by the Director.
2. Isolation, whenever possible, shall be provided for in the residence of the individual if the residence provides a suitable area of isolation. At the request of the individual, the Director may approve an alternative place for isolation.
3. All places of isolation shall provide for minimum contact with the public.
4. The Emergency Medical Service Division of the Boston Public Health Commission shall be responsible for the transportation of an individual, if necessary, to the facility designated by the Director.
5. Security Officers of the Boston Public Health Commission or Boston Police Officers may assist in the transportation of the individual at the request of Boston EMS.

6. If the Director determines that there is a possibility that individual or individuals under an order of isolation may violate the conditions of the order, the individual shall be monitored by an agent of the Boston Public Health Commission. The agent may take such measures as are reasonably necessary to ensure that the individual does not violate the terms of the isolation.

## **VII. Quarantine**

### **A. Determination of Need for Quarantine**

1. If any individual, group of individuals or neighborhood, has been exposed to a communicable disease and in the opinion of the Director, pose a significant threat to the public health than the Director may seek an Order of Quarantine.
2. The Executive Director, upon the determination that the individual, group of individuals or a neighborhood exposed to or thought to have been exposed to the subject disease are a significant threat to the public health, and having further determined that there is no other reasonable means to prevent effective contact with those not so exposed, shall issue an order of quarantine.

### **B. Order of Quarantine**

1. An order of quarantine shall provide that the individual, group of individuals or neighborhood shall be under the jurisdiction of the Boston Public Health Commission and that violation of such order shall subject the offender(s) to fines.
2. An order of quarantine shall contain the following:
  - a. Name, identifying information or other description of the individual, group of individuals or geographic location subject to the order;
  - b. Brief statement of the facts warranting the quarantine;
  - c. Conditions for termination of the order;
  - d. Specified duration of quarantine, not to exceed fourteen (14) days;
  - e. The place or area of quarantine;
  - f. No contact except as approved by the Director or designee;
  - g. Symptoms of the subject disease and a course of treatment;
  - h. Instructions on the disinfecting or disposal of any personal property;
  - i. Precautions to prevent the spread of the subject disease; and,
  - j. An individual's right to an independent medical exam and appeal procedures.

3. Upon determination of the Director that the individual, group of individuals or a neighborhood is no longer a significant threat to the public health or upon the expiration of such time designated by the Order of Quarantine, the individual, group of individuals or neighborhood shall be released from quarantine, unless a further Order of Quarantine is issued.
4. No Order of Quarantine shall exceed fourteen (14) days in duration. If at the conclusion of the fourteen (14) day period the Director determines that the individual, group of individuals or neighborhood, is still a significant threat to the public health, he/she shall so advise the Executive Director, who after reviewing the recommendations of the Director and any other relevant information may issue a further order of quarantine or isolation.
5. Upon release from quarantine, the individual, group of individuals or neighborhood, shall still be under the jurisdiction of the Board until such time as the Director shall issue a Certificate of Health, certifying that the individual, group of individuals or neighborhood, has completed the terms of the Order of Quarantine.

#### **C. Enforcement of Order of Quarantine**

1. The Director shall prescribe such steps as are necessary to ensure compliance with the order of quarantine, including periodic or continuous surveillance of the place or area of quarantine by an Agent of the Boston Public Health Commission.
2. All individuals who become infected with the subject disease shall be subject to an order of isolation.

#### **D. Emergency Order of Quarantine**

1. If an individual or group of individuals who, have been confirmed to be infected with, exhibit symptoms of or may have been significantly exposed to a contagious disease, arrive in the City of Boston by airplane, train, bus, ship or other form of transportation, the EMT, Paramedic or other Staff of the Commission responding to such notification, shall immediately advise the Director or designee by telephone.
2. Upon determination that the subject or subjects are confirmed to be infected with, exhibit symptoms of or have been significantly exposed to a contagious disease, the Director shall issue an emergency order of quarantine or isolation for the subject or subjects.
3. The subjects of such order shall be, at the discretion of the Director, transferred to the Boston Medical Center or such other suitable facility or detained at the place of disembarkation until such time as the Director may physically exam the subject or subjects.

4. Upon examination of the subjects, the Director shall notify the Executive Director with the appropriate plan of action.

## **VIII. Appeal Process**

### **A. Examination by an independent physician**

1. Each individual under an order of isolation or quarantine may request an examination by his/her treating physician or an independent physician.
2. All medical examinations shall be conducted in accordance with the specifications of the Director. No examinations may be conducted if in the opinion of the Director, such examination constitutes a threat to the public health.
3. Any examination by an independent physician shall not delay or otherwise impede the imposition of an order of isolation or quarantine.

### **B. Appeal to the Executive Director**

1. Any individual subjected to an order of isolation or an order of quarantine or any authorized representative of such individual, including a treating physician, may appeal the order of isolation or quarantine to the Executive Director.
2. Any appeal contesting an order shall be in writing to the Executive Director, received by the Executive Director within forty-eight hours of the order or examination by a physician pursuant to Section VII A of this regulation, setting forth the reasons for the appeal.
3. The Executive Director may conduct a hearing with regards to the appeal. Any request for a hearing shall not be unreasonably denied. The Executive Director may appoint a hearing officer to conduct any hearing and find facts with regards to the order of isolation or quarantine. The Executive Director shall then make a written recommendation to the Chairperson of the Commission Board. The full record shall be made available to the Chairperson if so requested. The Chairperson shall accept, reject or amend the recommendation. The Chairperson's decision shall be the final decision of the Boston Public Health Commission.
4. Any appeal shall not delay or otherwise impede the imposition of an order of isolation or quarantine.

### **C. Review of an Order**

1. Upon the expiration of an order, if the Director does not issue a certificate of Health, the Executive Director shall review the Order of Isolation or Order of Quarantine.

2. If it is the determination of the Director that the individual is a significant threat to the public health, the Executive Director shall determine the least intrusive methods of protecting the public health and issue the appropriate order in accordance with the protocols and procedures set forth above.

**IX. Enforcement**

1. Authority to enforce this regulation shall be held by the Boston Public Health Commission, its subsidiary programs or designees and the City of Boston Police Department.
2. Any violation of this regulation may be enforced in the manner provided in M.G.L. c.111 §187, by the Boston Public Health Commission, its subsidiary programs or designees.

**X. Violation**

1. Any person or healthcare provider who violates any provision of this regulation may be subject to a fine, not to exceed \$1000.00 per violation.
2. Each violation of this regulation shall be deemed a separate offense.

**XI. Severability**

If any provision, clause, sentence, paragraph or word of this regulation or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this regulation are declared severable.

**XII. Effective Date**

This regulation shall take effect immediately upon acceptance by the Board of the Boston Public Health Commission.