



Pandemic H1N1 flu

www.flu.oregon.gov

Public Health Law Facts

Introduction

- In the event of an influenza pandemic or other serious communicable disease outbreak, The state Public Health Division and local public health departments will rely largely on voluntary efforts to prevent the spread of disease. These voluntary efforts include staying home when you are sick, frequently washing your hands and covering your cough to prevent sharing germs with others.
- Unfortunately, since not everyone will do the right thing all the time, certain laws have been enacted to assist public health officials in protecting the public against highly infectious diseases and other serious health threats.



- Quarantine refers to the separation and restriction of movement of persons who, while not yet ill, have been exposed to an infectious agent and therefore may become infectious.
- Isolation is the separation of persons who have a specific infectious illness from those who are healthy. Isolation allows for the treatment of ill persons and protects healthy people from getting sick.
- The state Public Health Director or local public health administrator may issue an Emergency Administrative Order or seek a court order for isolation or quarantine that includes:
 - A description of reasonable efforts to obtain compliance
 - Facts supporting the reasonable belief that quarantine or isolation is necessary in order to avoid serious risk to the health of others
 - An explanation of why quarantine or isolation is the least restrictive alternative available to prevent a risk to the health and safety of others
 - A statement of how long the quarantine or isolation will be necessary.
- A person under an emergency order can be held for 72 hours, only, unless a non-emergency petition is filed and then the time is extended until the court holds a hearing. Under a non-emergency order, a person can be held from 60 to 180 days.



Testing, medical examination and treatment

- The State Public Health Director or local public health administrator may issue administrative orders requiring testing, medical examination or treatment of a person they reasonably believe has been exposed to or has a communicable disease and may pose a serious risk to the health of others.
- Administrative orders must include a statement that the person may refuse testing, examination or treatment, but refusal may result in mandatory quarantine or isolation (ORS 433.035).

Mandatory quarantine and isolation

- To contain the spread of a contagious illness, public health authorities may need to enforce quarantine and isolation. Both are common public health practices, and both aim to lessen the likelihood that persons with an infection will spread it to others.

Public health enforcement powers

- The Department of Human Services, Public Health Division and local public health administrators have the authority to enforce public health laws. This enforcement authority includes investigative and subpoena powers, and authority to enter public or private property, obtain a warrant, restrict access to contaminated property and require removal of or abatement of a toxic substance.

- In addition, state and local public health authorities may enforce compliance with public health law in court, issue administrative orders, impose civil penalties, or refer criminal violations to the district attorney or law enforcement. (ORS 431.262).

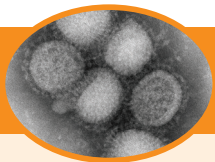
Mid-level (non-declared) public health emergencies

- With approval from the Governor, the State Public Health Director is authorized to take additional public health actions to respond to a public health threat when:
 - A serious communicable disease outbreak or other condition of public health importance has affected more than one county
 - There is a significant risk to public health, and the local public health authority is likely to be quickly overwhelmed or unable to manage the required response, or
 - A communicable or reportable disease or outbreak, epidemic or other condition of public health importance is an issue of significant regional or national concern, or requires significant involvement from the federal government (ORS 431.264).
- These “extraordinary” powers include issuing and requiring diagnostic and treatment guidelines, directing school closures, and taking control of medications, vaccines, medical supplies and equipment.



Declared public health emergencies

- A public health emergency is an occurrence or imminent threat of an illness or health condition that poses a high probability of a large number of deaths, long-term disabilities or widespread exposure to an infectious or toxic agent that poses a significant risk to a large number of persons.
 - During a declared public health emergency, the Governor can order evacuation or decontamination of a facility, regulate or restrict the use, sale or distribution of food, fuel, medical supplies, medicines or other goods or services; control movement to, from and within any public area; or take any other action that may be necessary to protect public health.
 - During a declared public health emergency the State Public Health Director can create and require the use of diagnostic and treatment protocols, issue civil penalties for failing to comply with directives, access individually identifiable health information, prescribe measures to provide for the safe disposal of human remains, take any action authorized during a mid-level emergency, and take any other action authorized by the Governor (ORS 433.441 to 433.466).



For more information

Oregon Public Health Division
www.flu.oregon.gov

Oregon Public Health Hotline
 1-800-978-3040

Oregon county health departments
www.oregon.gov/DHS/ph/lhd/lhd.shtml

Federal pandemic H1N1 flu information
www.flu.gov

World Health Organization
www.who.in

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