Implementing Isolation and Quarantine

A guidance document provided by the Office of Legal Affairs

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Indiana State
Department of Health

Preface

What is isolation and quarantine?

Isolation and quarantine are public health strategies used to contain the spread of infectious diseases. Isolation is a standard public health practice applied to persons who have a communicable disease. Quarantine is a contact management strategy applied to persons who have been exposed to a disease and consists of active monitoring in addition to activity restrictions. Both techniques may be voluntary or mandatory. Isolation and quarantine require the separation of infected and potentially infected persons, respectively, from the public. This separation is achieved by confinement of the infected and/or potentially infected person(s) to treatment facilities, residences, or other locations, depending on the nature of the implicated disease and the available facilities. Thus, both isolation and quarantine measures may severely curtail the freedom of persons to whom they are applied, particularly in the case of diseases characterized by prolonged incubation periods.

When should isolation and quarantine measures be used?

In many cases, individuals will voluntarily undertake isolation and quarantine measures at the request of the state or local health department. Indeed, mandatory isolation or quarantine measures should only be effected when other measures (such as written health agreements or health directives issued pursuant to Indiana Code § 16-18-2-166) have failed. Extensive information sharing should occur between the affected individual and public health officials so that the individual may be completely and properly advised of his/her condition and the requirements for compliance with those measures that are instituted by the public health authority to protect the public's health. The affected individual should be told the rationale for the imposition of restrictions to facilitate his understanding that these measures are the least restrictive, medically necessary measures to take. Public health agencies may face stiff consequences, including the payment of damages and the loss of public trust, for unreasonably imposing mandatory isolation or quarantine. While exigent circumstances may require the mandatory imposition of restrictions on an individual, even without their prior notice, voluntary compliance is the favored first alternative.

Please refer to the Appendix for additional information on isolation and quarantine measures.

What is contained in these materials?

The epidemiologic and clinical data available to the public health authority drive the decision determining whether the issuance of isolation or quarantine orders is an appropriate control measure. Public health staff, along with legal counsel, must coordinate in advance to ensure an efficient response. These materials contain a summary of the legal authorities allowing a public health authority to obtain and issue isolation and quarantines orders. Also included are sample petitions and model orders to be completed as factually and clinically appropriate.

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*These documents are examples of orders proposed by the Indiana State Department of Health. Judges are responsible for the final format and content of all orders issued.

Options for Initiating Isolation or Quarantine under IC 16-41-9-1.5

Option 1	Option 2	Option 3
Public Health Authority Requests Court for Order of Isolation or Quarantine (After Hearing)	**Public Health Authority Requests Court for Emergency Order of Isolation or Quarantine (Without Prior Hearing)**	**Public Health Authority Issues Immediate Agency Order of Isolation or Quarantine (No Initial Court Involvement)**
Legal Authority: IC 16-41-9-1.5(a) – (d)	**Legal Authority: IC 16-41-9-1.5(e) – (j)**	**Legal Authority: IC 16-41-9-1.5(k)**
Likely to be used when: **(1) The relative threat to the public's health is high, but circumstances are such (e.g., morbidity/mortality) that some passage of time prior to detainment is acceptable when balancing the need to protect the public's health with the individual's liberty interests.** **(2) Order is sought during normal business hours.**	**Likely to be used when:** **(1) The relative threat to the public's health is high.** **(2) The individual may expose others before he/she can be provided with notice and an opportunity to be heard.** **(3) Prearrangements have been made with appropriate legal counsel and the judiciary to seek an order through electronic means.**	**Likely to be used when:** **(1) The relative threat to the public's health is immediate and severe, and (2) exigent circumstances exist such as:** **(a) There is no time to secure a court order due to the severe risk to the health or safety of others.** **(b) It is impracticable to seek a court order due to the number of affected individuals.** **(c) A judge is unavailable to issue a court order (i.e., non-business hours, no prearrangements made, judiciary otherwise unavailable, etc.).**
Benefits: **(1) Individual has full and complete notice and opportunity to be heard prior to detainment.** **(2) The court sets the conditions and duration of isolation or quarantine.** **(3) Law enforcement cooperation is expected.**	**Benefits:** **(1) The court sets the conditions and duration of isolation or quarantine.** **(2) Law enforcement cooperation is expected.**	**Benefits:** **(1) Individual is immediately detained and prevented from exposing others to disease.**
Drawbacks: **(1) Individual may leave jurisdiction before he/she can be detained.** **(2) The delay required to obtain the court order may allow an infected or exposed individual to spread disease.**	**Drawbacks:** **(1) May require prearrangements be made with the judiciary and with appropriate legal counsel in order to pursue an emergency order of isolation or quarantine through electronic means or during non-business hours.** **(2) Since the proceeding is ex parte, there is a high likelihood of being back in court quickly if the individual files a petition for habeas corpus or requests the court to stay or vacate the order.**	**Drawbacks:** **(1) Law enforcement may balk at enforcement without court order.** **(2) Must expect to be in court seeking a renewal of isolation or quarantine quickly, as the immediate order expires after 72 hours.** **(3) Detained individual may be more likely to allege abuse of process or that his rights have been violated.**

OPTION 1 - Public Health Authority Requests Court for Order of Isolation or Quarantine (After Hearing)

Legal Authority	Ind. Code § 16-41-9-1.5(a) – (d)
Statutory Requirements and Required Information for a Petition for Isolation or Quarantine	Petition must be verified. Facts: (1) Citation to legal authority for seeking isolation or quarantine. (2) Identify the dangerous communicable disease or outbreak at issue. (3) Description of the circumstances of infection or possible exposure. (4) Description of the symptoms that characterize the dangerous communicable disease or outbreak including the physical symptoms, as well as morbidity and mortality as appropriate. (5) List the incubation period. (6) Description of any efforts taken by the public health authority to obtain voluntary compliance. Prayer for Relief: (7) Request that the court order isolation or quarantine. (8) Description of the least restrictive, medically necessary procedures desired to protect the public health (i.e., appropriate detention location, duration of detention, monitoring required, other conditions, etc.). (9) Request that the court order the costs of care or treatment be borne by the individual and order the individual to provide the court with documents and other information necessary to determine financial ability. (10) Request that the court order the court clerk and all court staff to keep all proceedings and filings confidential pursuant to Ind. Code § 16-41-8-1.
Evidentiary Standard	The following must be proven by clear and convincing evidence: (1) The individual has been infected with or exposed to a dangerous communicable disease or outbreak. (2) The individual is likely to cause the infection of an uninfected individual(s) if not restricted from contact with uninfected individual(s).
Forms to Use *Confidential documents tendered on light green paper and marked "Not for Public Access" pursuant to T.R. 5(G)(1) and Admin. R. 9(G)(1)	Verified Petition for Order of Isolation or Quarantine Notice of Hearing Order for Isolation or Quarantine Order for Court Clerk to Keep Pleadings Confidential
Where to File	Options (in order of preference) pursuant to Ind. Code § 16-41-9-1.5(n): (1) Preferred venue is the circuit or superior court in the county where the individual to be isolated or quarantined is located. (2) Preferred venue also exists in the circuit or superior court in any county adjacent to the county where the individual to be isolated or quarantined is located.
Enforcement	Assistance may be sought from state and local law enforcement.

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
	)
Respondent.	)

VERIFIED PETITION FOR ORDER OF [ISOLATION or QUARANTINE]

The Petitioner, by counsel, respectfully requests this Court to issue an order imposing [isolation or quarantine] upon the person of John Doe. In support of this Petition, Petitioner states the following:

1. Petitioner reasonably believes that John Doe [has been infected with or has been exposed to] a dangerous communicable disease as that term is defined in Ind. Code § 16-18-2-91.

2. The dangerous communicable disease at issue is [_____].

3. The characteristics of this disease include [list physical symptoms with specificity; describe morbidity and mortality as appropriate; describe methods and ease of transmission].

4. Petitioner reasonably believes [list facts supporting belief that infection (case definition met) or exposure has occurred.]

5. The incubation period for [dangerous communicable disease] is [period of time]. [If newly emerging disease and incubation period is unknown, give incubation period of the communicable disease most closely resembling the disease at issue and describe correlation.]

6. Petitioner sought to obtain the voluntary cooperation of John Doe to implement the least restrictive, medically necessary measures to protect the public health by [describe attempt and refusal].

7. Ind. Code § 16-41-9-1.5 provides that, if Petitioner has reason to believe that John Doe [has been infected with or has been exposed to] a dangerous communicable disease or outbreak and is likely to cause the infection of an uninfected individual if John Doe is not restricted in his ability to come into contact with an uninfected individual, Petitioner may petition a circuit or superior court for an order imposing [isolation or quarantine] on John Doe.

8. Petitioner believes that the least restrictive, medically necessary measures required to protect the public health are as follows:

a. [Appropriate detention location]

b. [Duration of detention]

c. [Monitoring required]

d. [Other conditions]

9. Petitioner requests the Court to advise John Doe of his right to counsel, and if John Doe cannot afford counsel, that the Court appoint counsel for him pursuant to Ind. Code § 16-41-9-1.5(s).

10. Petitioner requests a hearing be held on these issues pursuant to Ind. Code § 16-41-9-1.5.

11. Petitioner requests the costs of John Doe's ordered care and treatment be borne by John Doe unless John Doe provides this Court with documentation and other information reasonably necessary to prove his inability to pay for said care and treatment.

12. Petitioner requests the Court to order the court clerk and all court staff to keep all proceedings and filings in the above-captioned cause confidential pursuant to Ind. Code § 16-41-8-1.

WHEREFORE, Petitioner respectfully requests of the Court the following:

(1) To hold a hearing on this petition as soon as possible;

(2) To appoint counsel for John Doe if he is unable to afford same;

(3) To order John Doe responsible for the costs of his ordered care and treatment;

(4) To order the court clerk and all court staff to keep the proceedings and filings confidential;

(5) To order the least restrictive, medically necessary measures required to protect the public health [insert recommended measures from #8 above];

(6) And for all other relief just and proper in the premises.

VERIFICATION

I affirm, under the penalties of perjury, that the foregoing representations are true, to the best of my knowledge and belief.

_____
[Name]
[Title]
[Public Health Authority]

Respectfully submitted,

_____
[Counsel for the Petitioner]
[Title]
[Attorney Number]

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

NOTICE OF HEARING

You are hereby notified that Petitioner has on the ___ day of _____, 20__, in the Anywhere County Courthouse, Anywhere, Indiana, petitioned this Court for an order of [isolation or quarantine].

The Petitioner seeks to [isolate or quarantine] you based upon a reasonable belief that you [have been infected with or have been exposed to] a dangerous communicable disease or outbreak and you are likely to cause the infection of an uninfected individual if you are not restricted in your ability to come into contact with an uninfected individual.

A hearing on this Petition has been set for the ____ day of _____, 20__, at __:__ [a.m. or p.m.] at the Anywhere County Circuit Court Courthouse, Anywhere, Indiana.

You have the right to appear at said hearing in person or by counsel and the right to cross-examine witnesses and present evidence on your own behalf.

If you are unable to afford an attorney to represent you in this matter, you have the right to be represented by Court-appointed counsel.

Dated this ___ day of _____, 20__.

_____

Judge, Anywhere County Circuit Court

This Notice of Hearing was duly served upon respondent, John Doe, at [street address], Anywhere, Indiana, on _____ ___, 20__, at __:__ [a.m. or p.m.].

Anywhere County Sheriff's Department

[*Indiana State Department of Health Proposed Order*]

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

ORDER REGARDING [ISOLATION OR QUARANTINE]

The Petitioner filed a Petition for an Order of [Isolation or Quarantine], and a hearing was held on the ____ day of _____, 20__, where Respondent appeared [in person and/or by counsel].

The Court having considered the Petition and being duly advised following the evidence presented at the hearing now finds:

1. John Doe [has been infected with or has been exposed to] [_____], a dangerous communicable disease as that term is defined in IC 16-18-2-91.

2. John Doe is likely to cause the infection of an uninfected individual if John Doe is not restricted in his ability to come into contact with an uninfected individual.

3. The least restrictive, but medically necessary measures which are required to protect the public health are as follows:

   a. [Appropriate detention location]

   b. [Duration of detention]

   c. [Monitoring required]

   d. [Other conditions]

4. The Anywhere County Sheriff, or one of his deputies, shall [take John Doe into custody and transport him to _____ or detain John Doe in his residence using reasonable means]. The [Public Health Authority] shall instruct the Anywhere County Sheriff's Office in observing the appropriate precautions in transporting and/or detaining John Doe safely.

5. The Petitioner, or his designee, is authorized to monitor, test, treat, or detain John Doe until such time as the [Public Health Authority] determines that John Doe may be released without danger to the health or life of others.

6. John Doe is responsible for the costs of his ordered care and treatment.

SO ORDERED, this _____ day of _____, 20__.

_____

Judge, Anywhere County Circuit Court

[*Indiana State Department of Health Proposed Order*]

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

ORDER TO COURT CLERK AND ALL COURT STAFF TO KEEP PROCEEDINGS AND FILINGS CONFIDENTIAL

Petitioner, [Public Health Authority], by counsel, filed its Petition for Order of [Isolation or Quarantine] in this cause.

The Court, having been apprised of the confidentiality provisions set forth in IC 16-41-8-1, now finds that all proceedings and filings in the above-captioned cause are confidential pursuant to Indiana law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Clerk of the Anywhere Circuit Court and all court staff shall keep the proceedings and filings in this cause confidential and shall not cause these proceedings and filings to be shown to the general public and shall only show such proceedings and filings when compelled by an order of court.

All of which is ORDERED this ___ day of _____, 20__.

_____

Judge, Anywhere Circuit Court

OPTION 2 - Public Health Authority Requests Court for Emergency Order of Isolation or Quarantine (Without Prior Hearing)

Legal Authority	Ind. Code § 16-41-9-1.5(e) – (j)
Methods to Obtain an Emergency Order for Isolation or Quarantine	(1) File a verified petition. (2) Submit sworn testimony of the same facts required in the verified petition to the court: (a) In a nonadversarial, recorded hearing before the judge. (b) Orally, by telephone or radio. (c) In writing by facsimile transmission. (d) Through other electronic means approved by the court.
Required Information for a Petition for an Emergency Order of Isolation or Quarantine	Facts: (1) Citation to legal authority for seeking isolation or quarantine. (2) Identify the dangerous communicable disease or outbreak at issue. (3) Description of the circumstances of infection or possible exposure. (4) Description of the symptoms that characterize the dangerous communicable disease or outbreak including the physical symptoms, as well as morbidity and mortality as appropriate. (5) List the incubation period. (6) Description of any efforts taken by the public health authority to obtain voluntary compliance. (7) Description of facts supporting belief that individual should be detained before being provided with notice and an opportunity to be heard. Prayer for Relief: (8) Request that the court order isolation or quarantine. (9) Description of the least restrictive, medically necessary procedures desired to protect the public health (i.e., appropriate detention location, duration of detention, monitoring required, other conditions, etc.). (10) Request that the court order the costs of care or treatment be borne by the individual and order the individual to provide the court with documents and other information necessary to determine financial ability. (11) Request that the court order the court clerk and all court staff to keep all proceedings and filings confidential pursuant to Ind. Code § 16-41-8-1.
Evidentiary Standard	The following must be proven by <u>clear and convincing evidence</u>: (1) The individual has been infected with or exposed to a dangerous communicable disease or outbreak. (2) The individual is likely to cause the infection of an uninfected individual(s) if not restricted from contact with uninfected individual(s). (3) The individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard.

Forms to Use *Confidential documents tendered on light green paper and marked "Not for Public Access" pursuant to T.R. 5(G)(1) and Admin. R. 9(G)(1)	Petition for Emergency Order of Isolation or Quarantine Emergency Order for Isolation or Quarantine Order for Court Clerk to Keep Pleadings Confidential
Where to File	Options (in order of preference) pursuant to Ind. Code § 16-41-9-1.5(n): (1) Preferred venue is the circuit or superior court in the county where the individual to be isolated or quarantined is located. (2) Preferred venue also exists in the circuit or superior court in any county adjacent to the county where the individual to be isolated or quarantined is located.
Enforcement	Assistance may be sought from state and local law enforcement.

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

[VERIFIED] PETITION FOR EMERGENCY ORDER OF [ISOLATION or QUARANTINE]

Petitioner, by counsel, respectfully requests this Court to issue an emergency order imposing [isolation or quarantine] upon the person of John Doe. In support of this Petition, Petitioner states the following:

1. Petitioner reasonably believes that John Doe [has been infected with or has been exposed to] a dangerous communicable disease as that term is defined in Ind. Code § 16-18-2-91.

2. The dangerous communicable disease at issue is [_____].

3. The characteristics of this disease include [list physical symptoms with specificity; describe morbidity and mortality as appropriate; describe methods and ease of transmission].

4. Petitioner reasonably believes [list facts supporting belief that infection (case definition met) or exposure has occurred.]

5. The incubation period for [dangerous communicable disease] is [period of time]. [If newly emerging disease and incubation period is unknown, give incubation period of the communicable disease most closely resembling the disease at issue and describe correlation.]

6. Petitioner reasonably believes that John Doe is likely to expose an uninfected individual to [dangerous communicable disease] before he can be provided with notice and an opportunity to be heard. [List any facts that support this belief.]

7. Petitioner sought to obtain the voluntary cooperation of John Doe to implement the least restrictive, medically necessary measures to protect the public health by [describe attempt and refusal].

8. Ind. Code § 16-41-9-1.5 provides that, if Petitioner has reason to believe that John Doe [has been infected with or has been exposed to] a dangerous communicable disease or outbreak, is likely to cause the infection of an uninfected individual if John Doe is not restricted in his ability to come into contact with an uninfected individual, and is likely to expose an uninfected individual to a dangerous communicable disease or outbreak before he can be given notice and an opportunity to be heard, Petitioner may petition a circuit or superior court for an emergency order imposing [isolation or quarantine] on John Doe.

9. Petitioner believes that the least restrictive, medically necessary measures required to protect the public health are as follows:

a. [Appropriate detention location]

b. [Duration of detention]

c. [Monitoring required]

d. [Other conditions]

10. Petitioner requests the costs of John Doe's ordered care and treatment be borne by John Doe unless John Doe provides this Court with documentation and other information reasonably necessary to prove his inability to pay for said care and treatment.

11. Petitioner requests the Court to order the court clerk and all court staff to keep all proceedings and filings in the above-captioned cause confidential pursuant to Ind. Code § 16-41-8-1.

WHEREFORE, Petitioner respectfully requests of the Court the following:

(1) To order John Doe responsible for the costs of his ordered care and treatment;

(2) To order the court clerk and all court staff to keep the proceedings and filings confidential;

(3) To order the least restrictive, medically necessary measures required to protect the public health [insert recommended measures from #9 above];

(4) And for all other relief just and proper in the premises.

VERIFICATION

I affirm, under the penalties of perjury, that the foregoing representations are true, to the best of my knowledge and belief.

_____
[Name]
[Title]
[Public Health Authority]

Respectfully submitted,

_____
[Counsel for the Petitioner]
[Title]
[Attorney Number]

[*Indiana State Department of Health Proposed Order*]

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

EMERGENCY ORDER REGARDING [ISOLATION OR QUARANTINE]

The Petitioner filed a Petition for an Emergency Order of [Isolation or Quarantine] on the ____ day of _____, 20__.

The Court having considered the Petition now finds:

1. John Doe [has been infected with or has been exposed to] [_____], a dangerous communicable disease as that term is defined in Ind. Code § 16-18-2-91.

2. John Doe is likely to cause the infection of an uninfected individual if John Doe is not restricted in his ability to come into contact with an uninfected individual.

3. John Doe is likely to expose an uninfected individual to [_____] before he can be provided with notice and an opportunity to be heard.

4. The least restrictive, but medically necessary measures which are required to protect the public health are as follows:

   a. [Appropriate detention location]

   b. [Duration of detention]

   c. [Monitoring required]

   d. [Other conditions]

5. The Anywhere County Sheriff, or one of his deputies, shall [take John Doe into custody and transport him to _____ or detain John Doe in his residence using reasonable means]. The [Public Health Authority] shall instruct the Anywhere County Sheriff's Office in observing the appropriate precautions in transporting and/or detaining John Doe safely.

6. The Petitioner, or his designee, is authorized to monitor, test, treat, or detain John Doe until such time as the [Public Health Authority] determines that John Doe may be released without danger to the health or life of others.

7. John Doe is responsible for the costs of his ordered care and treatment.

SO ORDERED, this _____ day of _____, 20__.

_____

Judge, Anywhere County Circuit Court

[*Indiana State Department of Health Proposed Order*]

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

ORDER TO COURT CLERK AND ALL COURT STAFF TO KEEP PROCEEDINGS AND FILINGS CONFIDENTIAL

Petitioner, [Public Health Authority], by counsel, filed its Petition for an Emergency Order of [Isolation or Quarantine] in this cause.

The Court, having been apprised of the confidentiality provisions set forth in Ind. Code § 16-41-8-1, now finds that all proceedings and filings in the above-captioned cause are confidential pursuant to Indiana law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Clerk of the Anywhere Circuit Court and all court staff shall keep the proceedings and filings in this cause confidential and shall not cause these proceedings and filings to be shown to the general public and shall only show such proceedings and filings when compelled by an order of court.

All of which is ORDERED this ___ day of _____, 20__.

_____

Judge, Anywhere Circuit Court

OPTION 3 - Public Health Authority Issues Immediate Agency Order of Isolation or Quarantine (No Initial Court Involvement)

Legal Authority	Ind. Code § 16-41-9-1.5(k)
Required Information for an Immediate Order of Isolation or Quarantine	Facts: (1) Citation to legal authority for seeking isolation or quarantine. (2) Identify the dangerous communicable disease or outbreak at issue. (3) Description of the circumstances of infection or possible exposure. (4) Description of the symptoms that characterize the dangerous communicable disease or outbreak including the physical symptoms, as well as morbidity and mortality as appropriate. (5) List the incubation period. (6) Description of any efforts taken by the public health authority to obtain voluntary compliance. Order: (7) Order isolation or quarantine. (8) Description of the least restrictive, medically necessary procedures ordered to protect the public health (i.e., appropriate detention location, monitoring required, other conditions, etc.). (9) Expiration of order (after 72 hours, excluding Saturdays, Sundays, and legal holidays unless renewed in accordance with Ind. Code § 16-41-9-1.5(l)).
Form to Use	Immediate Order for Isolation or Quarantine
Notice to Individual	Options: (1) Personal service by public health authority. (2) Personal service by local law enforcement.
Notice to Group	Options (in order of preference): (1) Personal service by public health authority. (2) Personal service by local law enforcement. (3) Post a copy of order where it is likely to be seen by individuals subject to the order.
Enforcement	Assistance may be sought from state and local law enforcement.

[*Indiana State Department of Health Proposed Order*]

STATE OF INDIANA	)	ADMINISTRATIVE ORDER OF THE
	)	[PUBLIC HEALTH AUTHORITY]
COUNTY OF ANYWHERE	)	CAUSE NO._____

[Individual's Name])
[Street Address])
[City], [State] [ZIP Code])

IMMEDIATE ORDER OF [ISOLATION OR QUARANTINE]

TO: [Individual's Name]
[Street Address]
[City], [State] [ZIP Code]

You are NOTIFIED that the [Public Health Authority], pursuant to Ind. Code § 16-41-9-1.5(k), hereby ORDERS YOU TO IMMEDIATELY BE [ISOLATED or QUARANTINED] at [your residence or other facility] located at [Street Address], [City], [State].

This ORDER is necessitated by the possible existence of an immediate and serious threat to public health, safety, and welfare. This ORDER is based on the following:

1. The [Public Health Authority] reasonably believes that you [have been infected with or have been exposed to] a dangerous communicable disease as that term is defined in Ind. Code § 16-18-2-91.

2. The dangerous communicable disease at issue is [_____].

3. The characteristics of this disease include [list physical symptoms with specificity; describe morbidity and mortality as appropriate; describe methods and ease of transmission].

4. The [Public Health Authority] reasonably believes [list facts supporting belief that infection (case definition met) or exposure has occurred.]

5. The incubation period for [dangerous communicable disease] is [period of time]. [If newly emerging disease and incubation period is unknown, give incubation period of the communicable disease most closely resembling the disease at issue and describe correlation.]

6. The [Public Health Authority] sought to obtain your voluntary cooperation to implement the least restrictive, medically necessary measures to protect the public health by [describe attempt and refusal]. OR It was impracticable for the [Public Health Authority] to seek your voluntary cooperation to implement the least restrictive, medically necessary measures to protect the public health due to [describe impracticability].

As a result of the foregoing facts and circumstances, you are ORDERED to abide by the following least restrictive, medically necessary measures that are consistent with the protection of the public:

1. [Appropriate detention location]
2. [Duration of detention]
3. [Monitoring required]
4. [Other conditions]

THIS ORDER IS EFFECTIVE UPON ISSUANCE.

THIS ORDER SHALL REMAIN IN EFFECT FOR SEVENTY-TWO (72) HOURS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS.

A PERSON WHO KNOWINGLY OR INTENTIONALLY VIOLATES A CONDITION OF ISOLATION OR QUARANTINE COMMITS VIOLATING ISOLATION OR QUARANTINE, A CLASS A MISDEMEANOR.

Dated at _____, Indiana, this __ day of _____, 20__.

_____
[Authorized Signatory]
[Public Health Authority]

NOTICE SERVED AS FOLLOWS: Copy of Immediate Order served by personal service by [Public Health Authority staff person or local law enforcement agency].

And a copy was sent by certified mail to:

[Individual's Name]
[Street Address]
[City], [State] [ZIP Code]

Public Health Authority Requests Court for Renewal of Emergency Court Order or Immediate Agency Order For Isolation or Quarantine

Legal Authority	Ind. Code § 16-41-9-1.5(l)
Required Information for a Petition to Renew (or Issue) an Order of Isolation or Quarantine	Facts: (1) Citation to legal authority for seeking the renewal. (2) Describe previous detainment order (court ordered or immediate). (3) Identify the dangerous communicable disease or outbreak at issue. (4) Description of the circumstances of infection or possible exposure. (5) Description of the symptoms that characterize the dangerous communicable disease or outbreak including the physical symptoms, as well as morbidity and mortality as appropriate. (6) List the incubation period. (7) List any other facts to support belief that individual should remain in isolation or quarantine. (8) Description of any efforts taken by the public health authority to obtain voluntary compliance. Prayer for Relief: (9) Request that the court renew or issue an order of isolation or quarantine. (10) Description of the least restrictive, medically necessary procedures desired to protect the public health (i.e., appropriate detention location, duration of detention, monitoring required, other conditions, etc.). (11) Request that the court order the costs of care or treatment be borne by the individual and order the individual to provide the court with documents and other information necessary to determine financial ability. (12) Request that the court order the court clerk and all court staff to keep all proceedings and filings confidential pursuant to Ind. Code § 16-41-8-1.
Evidentiary Standard	The following must be proven by clear and convincing evidence: (1) The individual has been infected with or exposed to a dangerous communicable disease or outbreak. (2) The individual is likely to cause the infection of an uninfected individual(s) if not restricted from contact with uninfected individual(s).
Forms to Use *Confidential documents tendered on light green paper and marked "Not for Public Access" pursuant to T.R. 5(G)(1) and Admin. R. 9(G)(1)	Petition for Renewal of Order of Isolation or Quarantine Order for Renewal of Isolation or Quarantine Order for Court Clerk to Keep Pleadings Confidential Notice of Hearing for Renewal of Isolation or Quarantine Order
Where to File	If renewal of existing court order: (1) The court that granted the original order of isolation or quarantine. (2) The circuit or superior court in any county adjacent to the county where the individual in isolation or quarantine is located. If renewal of an immediate order issued by public health authority: (1) Preferred venue is the circuit or superior court in the county where the individual in isolation or quarantine is located. (2) Preferred venue also exists in the circuit or superior court in any county adjacent to the county where the individual in isolation or quarantine is located.

Notice to Individual	Options (in order of preference): (1) Personal service of petition and notice of hearing by public health authority. (2) Personal service of petition and notice of hearing by local law enforcement. When: At least twenty-four (24) hours in advance of the hearing.
Notice to Group	Options (in order of preference): (1) Personal service of petition and notice of hearing by public health authority. (2) Personal service of petition and notice of hearing by local law enforcement. (3) Posting the petition and notice of hearing in a conspicuous location on the isolation or quarantine premises. When: At least twenty-four (24) hours in advance of the hearing.
Enforcement	Assistance may be sought from state and local law enforcement.

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

VERIFIED PETITION FOR RENEWAL OF ORDER OF [ISOLATION or QUARANTINE]

The Petitioner, by counsel, respectfully requests this Court to [renew or issue] an order imposing [isolation or quarantine] upon the person of John Doe continuing the restrictions placed against him on _____ __, 20__ by [this court or the public health authority]. In support of this Petition, Petitioner states the following:

1. The restrictions placed on John Doe by [this court or the public health authority] on _____ __, 20__, included the following: [briefly summarize prior restrictions or refer to and attach the prior order].

2. Petitioner reasonably believes that John Doe [has been infected with or has been exposed to] a dangerous communicable disease as that term is defined in Ind. Code § 16-18-2-91.

3. The dangerous communicable disease at issue is [_____].

4. The characteristics of this disease include [list physical symptoms with specificity; describe morbidity and mortality as appropriate; describe methods and ease of transmission].

5. Petitioner reasonably believes [list facts supporting belief that infection (case definition met) or exposure has occurred.]

6. The incubation period for [dangerous communicable disease] is [period of time]. [If newly emerging disease and incubation period is unknown, give incubation period of the communicable disease most closely resembling the disease at issue and describe correlation.]

7. Petitioner sought to obtain the voluntary cooperation of John Doe to implement the least restrictive, medically necessary measures to protect the public health by [describe attempt and refusal].

8. Ind. Code § 16-41-9-1.5 provides that, if Petitioner has reason to believe that John Doe [has been infected with or has been exposed to] a dangerous communicable disease or outbreak and is likely to cause the infection of an uninfected individual if restrictions on John Doe's ability to come into contact with an uninfected individual are not continued, Petitioner may petition a circuit or superior court to [renew the existing order of or impose an order of] [isolation or quarantine] on John Doe.

9. Petitioner believes that the least restrictive, medically necessary measures required to protect the public health are as follows:

a. [Appropriate detention location]

b. [Duration of detention]

c. [Monitoring required]

d. [Other conditions]

10. Petitioner requests the Court to advise John Doe of his right to counsel, and if John Doe cannot afford counsel, that the Court appoint counsel for him pursuant to Ind. Code § 16-41-9-1.5(s).

11. Petitioner requests a hearing be held on these issues pursuant to Ind. Code § 16-41-9-1.5.

12. Petitioner requests the costs of John Doe's ordered care and treatment be borne by John Doe unless John Doe provides this Court with documentation and other information reasonably necessary to prove his inability to pay for said care and treatment

13. Petitioner requests the Court to order the court clerk and all court staff to keep all proceedings and filings in the above-captioned cause confidential pursuant to Ind. Code § 16-41-8-1.

WHEREFORE, Petitioner respectfully requests of the Court the following:

(1) To hold a hearing on this petition as soon as possible;

(2) To appoint counsel for John Doe if he is unable to afford same;

(3) To order John Doe responsible for the costs of his ordered care and treatment;

(4) To order the court clerk and all court staff to keep the proceedings and filings confidential;

(5) To order the least restrictive, medically necessary measures required to protect the public health [insert recommended measures from #9 above];

(6) And for all other relief just and proper in the premises.

VERIFICATION

I affirm, under the penalties of perjury, that the foregoing representations are true, to the best of my knowledge and belief.

_____
[Name]
[Title]
[Public Health Authority]

Respectfully submitted,

_____
[Counsel for the Petitioner]
[Title]
[Attorney Number]

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

NOTICE OF HEARING

You are hereby notified that Petitioner has on the ___ day of _____, 20__, in the Anywhere County Courthouse, Anywhere, Indiana, petitioned this Court for a renewal of the [isolation or quarantine] order that was issued against you on _____ __, 20__.

The Petitioner seeks to renew the [isolation or quarantine] order based upon a reasonable belief that you [have been infected with or have been exposed to] a dangerous communicable disease or outbreak and you are likely to cause the infection of an uninfected individual if restrictions on your ability to come into contact with an uninfected individual are not continued.

A hearing on this Petition has been set for the ____ day of _____, 20__, at __:__ [a.m. or p.m.] at the Anywhere County Circuit Court Courthouse, Anywhere, Indiana.

That you have the right to appear at said hearing in person or by counsel and the right to cross-examine witnesses and present evidence on your own behalf.

That if you are unable to afford an attorney to represent you in this matter, you have the right to be represented by Court-appointed counsel.

Dated this ___ day of _____, 20__.

_____

Judge, Anywhere County Circuit Court

This Notice of Hearing was duly served upon respondent, John Doe, at [street address], Anywhere, Indiana, on _____ ___, 20__, at __:__ [a.m. or p.m.].

Anywhere County Sheriff's Department

[*Indiana State Department of Health Proposed Order*]

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

ORDER REGARDING RENEWAL OF [ISOLATION OR QUARANTINE]

The Petitioner filed a Petition to Renew the Order of [Isolation or Quarantine] issued against John Doe on _____ __, 20__, and a hearing was held on the ____ day of _____, 20__, where Respondent appeared [in person and/or by counsel].

The Court having considered the Petition and being duly advised following the evidence presented at the hearing now finds:

1. John Doe [has been infected with or has been exposed to] [_____], a dangerous communicable disease as that term is defined in Ind. Code § 16-18-2-91.

2. John Doe is likely to cause the infection of an uninfected individual if restrictions on John Doe's ability to come into contact with an uninfected individual are not continued.

3. The least restrictive, but medically necessary measures which are required to protect the public health are as follows:

a. [Appropriate detention location]

b. [Duration of detention]

c. [Monitoring required]

d. [Other conditions]

4. The Anywhere County Sheriff, or one of his deputies, shall [take John Doe into custody and transport him to _____ or detain John Doe in his residence using reasonable means]. The [Public Health Authority] shall instruct the Anywhere County Sheriff's Office in observing the appropriate precautions in [transporting and/or detaining] John Doe safely.

5. The Petitioner, or his designee, is authorized to monitor, test, treat, or detain John Doe until such time as the [Public Health Authority] determines that John Doe may be released without danger to the health or life of others.

SO ORDERED, this _____ day of _____, 20__.

_____

Judge, Anywhere County Circuit Court

[*Indiana State Department of Health Proposed Order*]

STATE OF INDIANA	)	IN THE ANYWHERE CIRCUIT COURT
	) SS:	
COUNTY OF ANYWHERE	)	CAUSE NO.

[PUBLIC HEALTH AUTHORITY],	)
	)
	)
Petitioner,	)
	)
v.	)
	)
J. D., [Initials of person or description of group]	)
	)
Respondent.	)

ORDER TO COURT CLERK AND ALL COURT STAFF TO KEEP PROCEEDINGS AND FILINGS CONFIDENTIAL

Petitioner, [Public Health Authority], by counsel, filed its Petition for a Renewal of Order of [Isolation or Quarantine] in this cause.

The Court, having been apprised of the confidentiality provisions set forth in Ind. Code § 16-41-8-1, now finds that all proceedings and filings in the above-captioned cause are confidential pursuant to Indiana law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Clerk of the Anywhere Circuit Court and all court staff shall keep the proceedings and filings in this cause confidential and shall not cause these proceedings and filings to be shown to the general public and shall only show such proceedings and filings when compelled by an order of court.

All of which is ORDERED this ___ day of _____, 20__.

_____

Judge, Anywhere Circuit Court

APPENDIX

IC 16-18-2-194.5 Isolation

Sec. 194.5. "Isolation", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction, of an individual or a group of individuals from the general public if the individual or group is infected with a dangerous communicable disease (as described in IC 16-18-2-91 and 410 IAC 1-2.3-47), in order to prevent or limit the transmission of the disease to an uninfected individual.
As added by P.L.138-2006, SEC.1.

IC 16-18-2-298.5 Public Health Authority

Sec. 298.5. "Public health authority", for purposes of IC 16-22-8 and IC 16-41-9, means:
(1) the state health commissioner of the state department;
(2) a deputy or an assistant state health commissioner appointed by the state health commissioner, or an agent expressly authorized by the state health commissioner;
(3) the local health officer; or
(4) a health and hospital corporation established under IC 16-22-8-6.
As added by P.L.138-2006, SEC.2.

IC 16-18-2-302.6 Quarantine

Sec. 302.6. "Quarantine", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction of movement, of an individual or a group of individuals who have been exposed to a dangerous communicable disease (as described in IC 16-18-2-91 and 410 IAC 1-2.3-47), during the disease's period of communicability, in order to prevent or limit the transmission of the disease to an uninfected individual.
As added by P.L.138-2006, SEC.3.

IC 16-41-9-1.5 Isolation; quarantine; notice; hearing; orders; renewal; crime; rules

Sec. 1.5. (a) If a public health authority has reason to believe that:
(1) an individual:
(A) has been infected with; or
(B) has been exposed to;
a dangerous communicable disease or outbreak; and
(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;
the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must be verified and include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual, including a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the

court finds that the individual's personal appearance is likely to expose an uninfected person to a dangerous communicable disease or outbreak.

(c) If an individual is restricted from appearing in person under subsection (b), the court shall hold the hearing in a manner that allows all parties to fully and safely participate in the proceedings under the circumstances.

(d) If the public health authority proves by clear and convincing evidence that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may issue an order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(e) If the public health authority has reason to believe that an individual described in subsection (a) is likely to expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard, the public health authority may seek in a circuit or superior court an emergency order of quarantine or isolation by filing a verified petition for emergency quarantine or isolation. The verified petition must include a brief description of the facts supporting the public health authority's belief that:

(1) isolation or quarantine should be imposed on an individual; and

(2) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard.

The verified petition must include a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(f) If the public health authority proves by clear and convincing evidence that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak;

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; and

(3) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard; the court may issue an emergency order imposing isolation or quarantine on the individual. The court shall establish the duration and other conditions of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(g) A court may issue an emergency order of isolation or quarantine without the verified petition required under subsection (e) if the court receives sworn testimony of the same facts required in the verified petition:

(1) in a nonadversarial, recorded hearing before the judge;

(2) orally by telephone or radio;

(3) in writing by facsimile transmission (fax); or

(4) through other electronic means approved by the court.

If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (2), the court shall direct the public health authority to sign the judge's name and to write the time and date of issuance on the proposed emergency order. If the court agrees

to issue an emergency order of isolation or quarantine based upon information received under subdivision (3), the court shall direct the public health authority to transmit a proposed emergency order to the court, which the court shall sign, add the date of issuance, and transmit back to the public health authority. A court may modify the conditions of a proposed emergency order.

(h) If an emergency order of isolation or quarantine is issued under subsection (g)(2), the court shall record the conversation on audiotape and order the court reporter to type or transcribe the recording for entry in the record. The court shall certify the audiotape, the transcription, and the order retained by the judge for entry in the record.

(i) If an emergency order of isolation or quarantine is issued under subsection (g)(3), the court shall order the court reporter to retype or copy the facsimile transmission for entry in the record. The court shall certify the transcription or copy and order retained by the judge for entry in the record.

(j) The clerk shall notify the public health authority who received an emergency order under subsection (g)(2) or (g)(3) when the transcription or copy required under this section is entered in the record. The public health authority shall sign the typed, transcribed, or copied entry upon receiving notice from the court reporter.

(k) The public health authority may issue an immediate order imposing isolation or quarantine on an individual if exigent circumstances, including the number of affected individuals, exist that make it impracticable for the public health authority to seek an order from a court, and obtaining the individual's voluntary compliance is or has proven impracticable or ineffective. An immediate order of isolation or quarantine expires after seventy-two (72) hours, excluding Saturdays, Sundays, and legal holidays, unless renewed in accordance with subsection (l). The public health authority shall establish the other conditions of isolation or quarantine. The public health authority shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

If the immediate order applies to a group of individuals and it is impracticable to provide individual notice, the public health authority shall post a copy of the order where it is likely to be seen by individuals subject to the order.

(l) The public health authority may seek to renew an order of isolation or quarantine or an immediate order of isolation or quarantine issued under this section by doing the following:

(1) By filing a petition to renew the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with:

(A) the court that granted the emergency order of isolation or quarantine; or

(B) a circuit or superior court, in the case of an immediate order.

The petition for renewal must include a brief description of the facts supporting the public health authority's belief that the individual who is the subject of the petition should remain in isolation or quarantine and a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(2) By providing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with a copy of the petition and notice of the hearing at least twenty-four (24) hours before the time of the hearing.

(3) By informing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine that the individual has the right to:

(A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a dangerous communicable disease or outbreak;

(B) cross-examine witnesses; and

(C) counsel, including court appointed counsel in accordance with subsection (c).

(4) If:

(A) the petition applies to a group of individuals; and

(B) it is impracticable to provide individual notice;

by posting the petition in a conspicuous location on the isolation or quarantine premises.

(m) If the public health authority proves by clear and convincing evidence at a hearing under subsection (l) that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(n) Unless otherwise provided by law, a petition for isolation or quarantine, or a petition to renew an immediate order for isolation or quarantine, may be filed in a circuit or superior court in any county. Preferred venue for a petition described in this subsection is:

(1) the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located; or

(2) a county adjacent to the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located.

This subsection does not preclude a change of venue for good cause shown.

(o) Upon the motion of any party, or upon its own motion, a court may consolidate cases for a hearing under this section if:

(1) the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;

(2) the law and the facts concerning the individuals are similar; and

(3) the individuals have similar rights at issue.

A court may appoint an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented. An individual may retain his or her own counsel or proceed pro se.

(p) A public health authority that imposes a quarantine that is not in the person's home:

(1) shall allow the parent or guardian of a child who is quarantined under this section; and

(2) may allow an adult;

to remain with the quarantined individual in quarantine. As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a dangerous communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not violate a constitutional right.

(q) If an individual who is quarantined under this section is the sole parent or guardian of one (1) or more children who are not quarantined, the child or children shall be placed in the residence of a relative, friend, or neighbor of the quarantined individual until the quarantine period has expired. Placement under this subsection must be in accordance with the directives of the parent or guardian, if possible.

(r) State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

(s) The court shall appoint an attorney to represent an indigent individual in an action brought under this chapter or under IC 16-41-6. If funds to pay for the court appointed attorney are not available from any other source, the state department may use the proceeds of a grant or loan to reimburse the county, state, or attorney for the costs of representation.

(t) A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor.

(u) The state department shall adopt rules under IC 4-22-2 to implement this section, including rules to establish guidelines for:

(1) voluntary compliance with isolation and quarantine;
(2) quarantine locations and logistical support; and
(3) moving individuals to and from a quarantine location.

The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

As added by P.L.138-2006, SEC.6. Amended by P.L. 1-2007, SEC. 137.

Applicability of 410 IAC 1-2.3-49 and 51

These provisions in the Indiana Administrative Code require that the State Health Commissioner and local health officers, upon being notified of the existence of any communicable disease, perform any epidemiologic investigation required and place such restrictions upon the movements of cases or carriers and their contacts as may be reasonably necessary to prevent the spread of disease. If the communicable disease is one covered by a specific control measure pursuant to 410 IAC 1-2.3-52 through 112, the local health officer or the commissioner must ensure that the procedures required under the rule for the specific disease are carried out. The text of 410 IAC 1-2.3-49 and 51 follow:

Sec. 49.

(a) Case reports submitted to the local health department or the department may be used for:

(1) epidemiological investigation; or

(2) other disease intervention activities;

as warranted. Prior approval from a patient is not required before releasing medical or epidemiological information to the local health department or the department.

(b) Unless otherwise indicated, the local health department in the jurisdiction where the patient is a resident is responsible for:

(1) performing any epidemiological investigation required; and

(2) instituting control measures.

(c) Upon receiving a reportable communicable disease report, local health officers must investigate the report within a reasonable time frame, immediately for diseases that shall be reported immediately, but usually not more than seventy-two (72) hours after the report is received for other diseases. A local health officer in receipt of a report of a disease that is:

(1) potentially dangerous to the public health; or

(2) of national or international significance;

not otherwise listed as a reportable disease in this rule, shall notify the department immediately by telephone or other confidential means.

(d) Investigation shall include obtaining laboratory and clinical data necessary for case ascertainment. Investigation efforts should identify all potential means for disease acquisition, risk factors, and any potential public health threats posed by the case. Findings of the investigation shall be used to institute control measures to minimize or abrogate the risk of disease spread.

(e) The results of each individual case investigation shall be documented, in writing, with a copy maintained at the local health department, and a copy forwarded to the department communicable disease section within a reasonable time frame of receiving the initial communicable disease report. Local health departments that do not have the necessary security to maintain complete confidentiality of HIV/AIDS patients may defer the storage of all copies to the department.

(f) The department may request and obtain epidemiological information on cases of communicable disease or diseases of public health importance, including the following:

(1) Outbreaks.

(2) Diseases caused by drug-resistant organisms.

(3) Emerging infectious diseases.

(g) Pursuant to 45 CFR 164.512 (2002), the department is a public health authority as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Privacy Rule. The

department is authorized to receive protected health information, wherever maintained, without patient authorization for the purposes of public health surveillance, investigation, and interventions and as otherwise permitted by law. (Indiana State Department of Health; 410 IAC 1-2.3-49; filed Sep 11, 2000, 1:36p.m.: 24 IR 342; readopted filed Nov 8, 2006, 1:53 p.m.: 20061122-IR-410060424RFA; filed Nov 12, 2008, 3:53 p.m.: 20081210-IR-410080062FRA; readopted filed Jul 12, 2012, 12:09 p.m.: 20120808-IR-410120265RFA)

Sec. 51.
General control measures are as follows:

(1) A local health officer or the commissioner, upon being notified of the existence of any communicable disease covered by a specific control measure in this section, shall ensure that the procedures required under the rule for the specific disease are carried out.

(2) A local health officer or the commissioner, upon learning or being notified of communicable diseases that are not covered by any specific control measures in this section, shall place such restrictions upon the movements of cases or carriers and their contacts as may be reasonably necessary to prevent the spread of disease. Specific control measures for the selected diseases or conditions are listed in sections 52 through 112 of this rule. Control measures for diseases or conditions not listed insofar as applicable:

(A) are detailed in the procedures prescribed in the Control of Communicable Diseases Manual, 18th Edition, 2004,a publication of the American Public Health Association; and

(B) shall be followed to the extent that they are not in conflict with the laws of Indiana or this rule.

In addition, the procedures implemented by the local health officer or the commissioner shall include provisions for proper hand washing procedures and universal precautions as defined in this rule.

(3) A local health officer, upon notification of the occurrence of a disease that is required by sections 47 and 48 of this rule to be reported immediately, shall in turn notify the department immediately by telephone or other instantaneous means of communication.

(4) A local health officer, in receipt of reports required by sections 47 and 48 of this rule to be reported in either seventy-two (72) hours or one (1) week, shall, on each Friday, or if Friday is a holiday, the previous business day, forward to the department electronic or paper copies of reports received during the previous seven (7) days and not yet forwarded. Upon suspicion of an outbreak, the local health officer shall notify the department immediately, by telephone or other instantaneous means of communication. More frequent reports shall be furnished during an outbreak as required by the department.

(5) A local health officer in receipt of a report of a disease that is potentially dangerous to the public health, or of national or international significance not listed as a reportable disease in section 47 or 48 of this rule, shall notify the department immediately by telephone or other confidential means of communication to establish reporting requirements for additional reports of that disease that subsequently may be received by the local health officer.

(6) The local health officer or the commissioner shall make an attempt to seek cooperation of cases, carriers, contacts, or suspect cases to implement the least restrictive, but medically necessary, procedures to protect the public health. Those procedures may include, but not be limited to, any of the following:

(A) Participating in a designated education, counseling, or treatment program.

(B) Undergoing confirmatory testing.
(C) Undergoing medically accepted tests or treatments that are consistent with standard medical practice as necessary to make the case or carrier noninfectious.
(D) Notifying or appearing before designated health officials for verification of disease status at periodic times.
(E) Ceasing and desisting conduct that constitutes a health threat to others.
(F) Being monitored by an electronic monitoring device to prevent activities that constitute a health threat to others.
(G) Living part time or full time in a supervised setting.
(H) Being confined to an appropriate:
(i) hospital;
(ii) home;
(iii) apartment; or
(iv) other institutional facility or residential setting.
(I) Complying with any combination of the remedies under this subdivision considered appropriate by the health officer.

(Indiana State Department of Health; 410 IAC 1-2.3-51; filed Sep 11, 2000, 1:36 p.m.: 24 IR 344; readopted filed Nov 8, 2006, 1:53 p.m.: 20061122-IR-410060424RFA; filed Nov 12, 2008, 3:53 p.m.: 20081210-IR-410080062FRA; readopted filed Jul 12, 2012, 12:09 p.m.: 20120808-IR-410120265RFA)