

EMERGENCY PREPAREDNESS

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LAW & ORDER



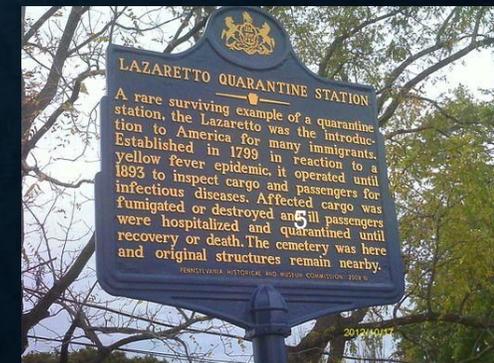
STATE OF EMERGENCY IN PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH

- Coordinate mass medical treatment and care
- **Provide for disease and vector control**
- Collect, identify and dispose of the dead
- Monitor air quality and provide information on the effects and probable coverage of hazardous materials released into the atmosphere.

PHILADELPHIA'S YELLOW FEVER EPIDEMIC

- 1 in 10 persons died - 10% of Philadelphia's population
- Led to the establishment of the Philadelphia Board of Health
- Led to the development of Lazaretto – a facility to quarantine potentially contagious individuals





DISEASES, INFECTIONS AND SPECIFIED CONDITIONS MUST BE REPORTED

In Pennsylvania, if a health care practitioner or health care facility treats or examines a person who is suffering from or is suspected of suffering from a reportable disease, infection or condition that person must be reported to the Health Department of having a reportable disease, infection or condition (because of the symptoms or appearance of the person).

AN EXAMINATION MAY BE COMPELLED

”Whenever the Department or a local health authority has reasonable grounds to suspect a person of being infected with an organism causing a sexually transmitted disease, tuberculosis or other communicable disease, or of being a carrier,

but lacks confirmatory medical or laboratory evidence,

the Department or the local health authority may require the person to undergo a medical examination and any other approved diagnostic procedure to determine whether or not the person is infected or is a carrier. . . .“

In Philadelphia, the Philadelphia Department of Public Health may issue an order directing the person to submit to the examination.

If a person refuses to submit to the examination required . . . the Department or the local health authority may direct the person to be quarantined until it is determined that the person does not pose a threat to the public health by reason of being infected with a disease causing organism or being a carrier.

WHAT HAPPENS WHEN A PERSON REFUSES TO BE EXAMINED?

In Philadelphia, when the Health Department (HD) determines that an individual with a communicable disease can not or will not submit to this examination even after being provided with a Health Department Order, the Health Department will contact the Law Department to request the initiation of legal action against the individual to compel the examination.

Then the Law Department will review the file and determine whether facts exist to initiate court action. If so, a petition will be filed to initiate court involvement.

The petition will not only indicate that the person refused to submit to the requested examination but it will also contain “a statement attached, given under oath by a physician licensed to practice in this Commonwealth, that the person is suspected of being infected with an organism causing a sexually transmitted disease, tuberculosis or other communicable disease, or that the person is suspected of being a carrier.”

Upon the filing of the petition, with the Court of Common Pleas of Philadelphia “the court shall . . . after service of a copy upon the respondent, hold a hearing without a jury to ascertain whether the person named in the petition has refused to submit to an examination to determine whether the person is infected with the suspected disease causing organism, or that the person is a carrier.”

At the hearing, the judge may order the person to submit to the examination forthwith if the judge determines that the person has “refused to submit to an examination and that there is no valid reason for the person to do so.”

The judge may also commit the person “to an institution in this Commonwealth determined by the Department to be suitable for the care of persons infected with the suspected disease causing organism” if the judge determines that the person has refused “to undergo an examination as required.”





WASHINGTON POST - [POST NATION](#)

NURSE QUARANTINED IN NEW JERSEY AFTER RETURNING FROM EBOLA MISSION IS RELEASED

BY [ABBY OHLHEISER](#) AND [CECILIA KANG](#)

OCTOBER 27, 2014





VOLUNTARY OR INVOLUNTARY EXAMINATION-TREATMENT?



Fort Kent, Maine - Judge Issues
Order Enforcing Ebola Isolation Of
Defiant Maine Nurse

Published on: October 31, 2014 12:38 PM

Fort Kent, Maine - The confrontation between the state of Maine and a nurse who treated Ebola patients in Sierra Leone heated up on Friday when a judge issued a temporary order enforcing a quarantine after she defied state officials and took a bike ride.

The order from Charles LaVerdiere, chief judge of the Maine District Court, instructs nurse Kaci Hickox to submit to “direct active monitoring,” and “not to be present in public places” like shopping centers, movie theaters or workplaces except to receive necessary healthcare.

The temporary order permits her to engage in what the judge called “non-congregate public activities” like walking or jogging in the park but instructs her to maintain a 3-foot (1 meter) distance from other people.

WHAT HAPPENS WHEN A PERSON REFUSES TREATMENT?

If the Department or a local health authority finds that a person who is infected with a sexually transmitted disease, tuberculosis or other communicable disease in a communicable stage refuses to submit to treatment approved by the Department or by a local health authority, the Department or the local health authority, if it determines the action advances public health interests, shall order the person to be isolated in an appropriate institution designated by the Department or by the local health authority for safekeeping and treatment until the disease has been rendered non-communicable.

If the disease is one which may be significantly reduced in its communicability following short-term therapy, but is likely to significantly increase in its communicability if that therapy is not continued, such as tuberculosis, the Department or local health authority may order the person to complete therapy which is designed to prevent the disease from reverting to a communicable stage, including completion of an inpatient treatment regimen.

LEGAL ACTION TO COMPEL TREATMENT

- If the Health Department (HD) determines that an individual will not or can not submit to treatment, the Health Department will contact the Law Department to request the initiation of legal action against the individual to compel treatment.
- Then the Health Department will provide the Law Department with information regarding the patient's medical history related to the communicable disease including but not limited to
 - a list of the individual's scheduled/missed appointment dates to receive medication/treatment
 - a list of the individual's scheduled/missed medical appointments with doctors.
- This information will be used to draft a petition that will provide the court with a basis to order the patient to submit to treatment.

LEGAL ACTION TO COMPEL TREATMENT

- After the petition is filed a hearing date is given. Then the patient is customarily sent a subpoena ordering them to be present at the scheduled hearing.
- At the hearing, the City of Philadelphia must present evidence and/or testimony regarding the patient's failure to submit to treatment.
- After listening to those present, the judge will determine, without a jury whether the person has failed to "submit to treatment" and whether the person should be ordered to receive treatment.
- At the conclusion of the hearing, the judge will issue an order.
- The court may determine that the evidence does not support entering an order compelling treatment and discharge the individual from treatment.
- The court may order the patient to receive treatment on an outpatient basis.
- The court may order a person to be detained in a Philadelphia prison or an approved facility to receive treatment.

**WHAT WILL BE DIFFERENT
IF MORE PEOPLE ARE INVOLVED?**

OVERARCHING LEGAL MANDATES

FEDERAL LAWS

State of Emergency

STATE LAWS

State of Emergency

LOCAL LAWS

State of Emergency

Based upon the specific type of emergency varying units of the City's Law Department will be called upon to respond to the needs of the public.

Types of petitions presented to the court: multiple names, identifying information limited, location of individuals.



WE ARE PREPARED TO RESPOND

MEMBERS OF HEALTH AND ADULT SERVICES

LYNDA MOORE, CHIEF DEPUTY CITY SOLICITOR

VERNETTE DOW, DIVISIONAL DEPUTY CITY SOLICITOR

REGINA O'NEILL, DEPUTY CITY SOLICITOR

DEAN ERLICK, DEPUTY CITY SOLICITOR

PAUL GIANFRANCESCO, DEPUTY CITY SOLICITOR

CRAIG ALSTON, DEPUTY CITY SOLICITOR

MELANIE LEVIN, DEPUTY CITY SOLICITOR

GAIL AUSTIN, LEGAL ASSISTANT SUPERVISOR

HARLAND GEER, SENIOR LEGAL ASSISTANT

GARDHY TEJEDA-RIVERA, LEGAL ASSISTANT

HIPAA RELATED MATTERS

NANCY WEINMAN, SENIOR ATTORNEY

JOSEPH VARELLO, ASSISTANT CITY SOLICITOR

ELEANOR RUFFIN, EXECUTIVE SECRETARY



SLIDE REFERENCES

Slide 1 - Title Page

Slide 2 – “Diseases,” www.google.com.

Slide 3 – “Law & Order” Theme Song, <https://www.youtube.com/watch>.

Slide 4 - The Philadelphia Code Section §§ 10-819; City of Philadelphia 2002 Basic Emergency Operations Plan

Slide 5 - "Yellow Fever Attacks Philadelphia, 1793," Eyewitness to History, www.eyewitnesstohistory.com (2005); <http://hsp.org/education/unit-plans/diagnosing-and-treating-yellow-fever-in-philadelphia-1793>;
<http://www.phila.gov/phils/docs/inventor/graphics/agencies/A080.htm> Pictures found at www.sas.upenn.edu “America’s Oldest Quarantine Station;” www.pinterest.com.

Slide 6 – “Outbreak” movie trailer, www.YouTube.com

Slide 7 - 28 Pa. Code § 27.21a – 27.22.

Slide 8 - 28 Pa. Code § 27.81; § 27.82; § 27.83.

Slide 9 – 28 Pa. Code § 27.82; § 27.83.

Slide 10- 28 Pa. Code § 27.61 (isolation), § 27.65 (quarantine), § 27.66 (placarding), § 27.66 (movement of persons); § 27.66 (release).

SLIDE REFERENCES

Slide 11- www.google.com.

Slide 12- Healthusnews.com (picture of UPHS), www.google.com , www.telegraph.co.uk.

Slide 13 – <https://www.washingtonpost.com/news/post-nation/wp/2014/10/27/nurse-detained-under-new-jerseys-ebola-quarantine-to-be-released/>.

Slide 14 – <http://time.com/3548847/kaci-hickox-ebola-nurse-quarantine-bike-ride/>; www.nj.com

Slide 15 – <http://www.vosizneias.com/182805/2014/10/31/fort-kent-maine-judge-issues-order-enforcing-ebola-isolation-of-defiant-maine-nurse/>.

Slide 16 - 28 Pa. Code § 27.87.

Slide 17 - 28 Pa. Code § 27.87.

Slide 18 – 28 Pa. Code § 27.87

Slide 21 - “Contagion” movie trailer produced by Warner Bros (2011).