

I Mina'Trentai Unu Na Liheslaturan Guahan
Bill Log Sheet

Bill Nos.	Sponsor	Title	Date Introduced	Date Referred	120 Day Deadline	Cmte Referred	Public Hearing Date	Date Committee Report Filed	Status
388-31 (COR)	D. G. Rodriguez, Jr.	AN ACT TO ADOPT ISOLATION AND QUARANTINE PROCEDURES TO PREVENT THE SPREAD OF COMMUNICABLE DISEASE, AS PROVIDED PURSUANT TO ARTICLE 3 OF CHAPTER 3, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED, BY ADDING A NEW CHAPTER 10 TO DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS.	11/30/2011 12:58 p.m.	12/1/2011		Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform			



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature

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December 1, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 

Subject: Referral of Bill No. 388-31(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 388-31 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(1) Attachment

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 388 -31 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO ADOPT ISOLATION AND QUARANTINE PROCEDURES TO PREVENT THE SPREAD OF COMMUNICABLE DISEASE, AS PROVIDED PURSUANT TO ARTICLE 3 OF CHAPTER 3, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED, BY ADDING A NEW CHAPTER 10 TO DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS.

2011 NOV 30 PM 12:58



1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that clearly defined procedures are required to help ensure the prevention of the
4 spread of communicable diseases, as provided pursuant to §3309-Isolation and
5 Quarantine: Regulations, of Article 3, Chapter 3, Division 1, Title 10, Guam Code
6 Annotated. The recent threat and spread of SARS and Bird Flu (H5N1) in
7 Southeast Asia, the H1N1 Influenza Pandemic and multi-drug resistant
8 tuberculosis without a doubt demonstrates the need, in the event of future
9 outbreaks of these, as well as other dangerous communicable diseases which are
10 common to the region.

11 *I Liheslaturan Guåhan* further finds that with respect to Guam being a major
12 travel hub and destination for travelers from Asia, there is an increased likelihood
13 that the people of Guam will again be exposed to future threats, and that we must,
14 to the extent possible, take measures to protect ourselves by enacting sound
15 policies and procedures to carry out isolation and quarantine orders. *I Liheslaturan*

1 *Guåhan* takes due note that the proposed procedures to be adopted pursuant to this
2 Act were developed by a team of Department of Public Health and Social Services
3 staff.

4 It is the intent of *I Liheslaturan Guåhan* to provide the Department of Public
5 Health and Social Services with the regulatory tools and procedures legally
6 required to accomplish their mandate to protect the public’s health and safety by
7 setting forth the process by which they can control the movement and contact of
8 persons infected with a communicable disease to others on Guam.

9 **Section 2. Adoption of Rules.** Notwithstanding any other provision of law,
10 rule, regulation and Executive Order, the Department of Public Health & Social
11 Services “**Procedures for Isolation and Quarantine**” for the prevention of the
12 spread of Communicable Disease, and attached hereto as Exhibit “A”, are hereby
13 adopted by *I Mina’Trentai Unu Na Liheslaturan Guåhan*, and shall be codified
14 under a NEW Chapter 10- Procedures for Isolation and Quarantine, of Division 1,
15 Title 26, Guam Administrative Rules and Regulations.

16 **Section 3. Amendment of Rules.** The Department of Public Health and
17 Social Services *shall*, at a minimum of every five years, and pursuant to Article 3-
18 Rule Making Procedures, of Chapter 9, Title 5, Guam Code Annotated, review and
19 amend, as necessary, the procedures adopted pursuant to Section 2 of this Act.

20 **Section 4. Severability.** *If* any provision of this Act or its application to
21 any person or circumstance is found to be invalid or contrary to law, such
22 invalidity shall *not* affect other provisions or applications of this Act which can be
23 given effect without the invalid provisions or application, and to this end the
24 provisions of this Act are severable.

1 **Section 5. Effective Date.** This Act shall become immediately effective
2 upon enactment.

Exhibit “A”

Title 26 Guam Administrative Rules and Regulations

Division 1

Chapter 10

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GUAM



Procedures for Isolation and Quarantine

[Rule Making Authority Pursuant to

Article 3 of Chapter 3, Division 1, Title 10, Guam Code Annotated]

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I. Introduction:

A. This procedure manual is designed to help Guam Department of Public Health and Social Services (GDPHSS) staff through the process of quarantining people who have been exposed to a potentially communicable condition. It outlines DPHSS staff actions necessary to obtain voluntary quarantine and/or isolation, emergency quarantine/isolation, and petitioning a superior court to obtain a judicial order for an individual or group of people to be quarantined or isolated.

B. The diagram at Section I, Attachment 1 provides a visual of the processes to be used when the health officer believes that quarantine and/or isolation is appropriate to limit the spread of disease or contamination of a chemical, radiological, or biological agent.

C. Attachment 2, Section I describes the use of the forms needed for each type of quarantine and / or isolation.

D. Attachment 3, Section I describes the legal documents used when initiating isolation and / or quarantine

E. Assumptions:

1. If wide-scale isolation and quarantine is needed the Chief Medical Officer will assess the need to declare a Public Health Emergency.
2. An Incident Command System will be implemented to provide adequate staff to meet the needs of this Plan and Process

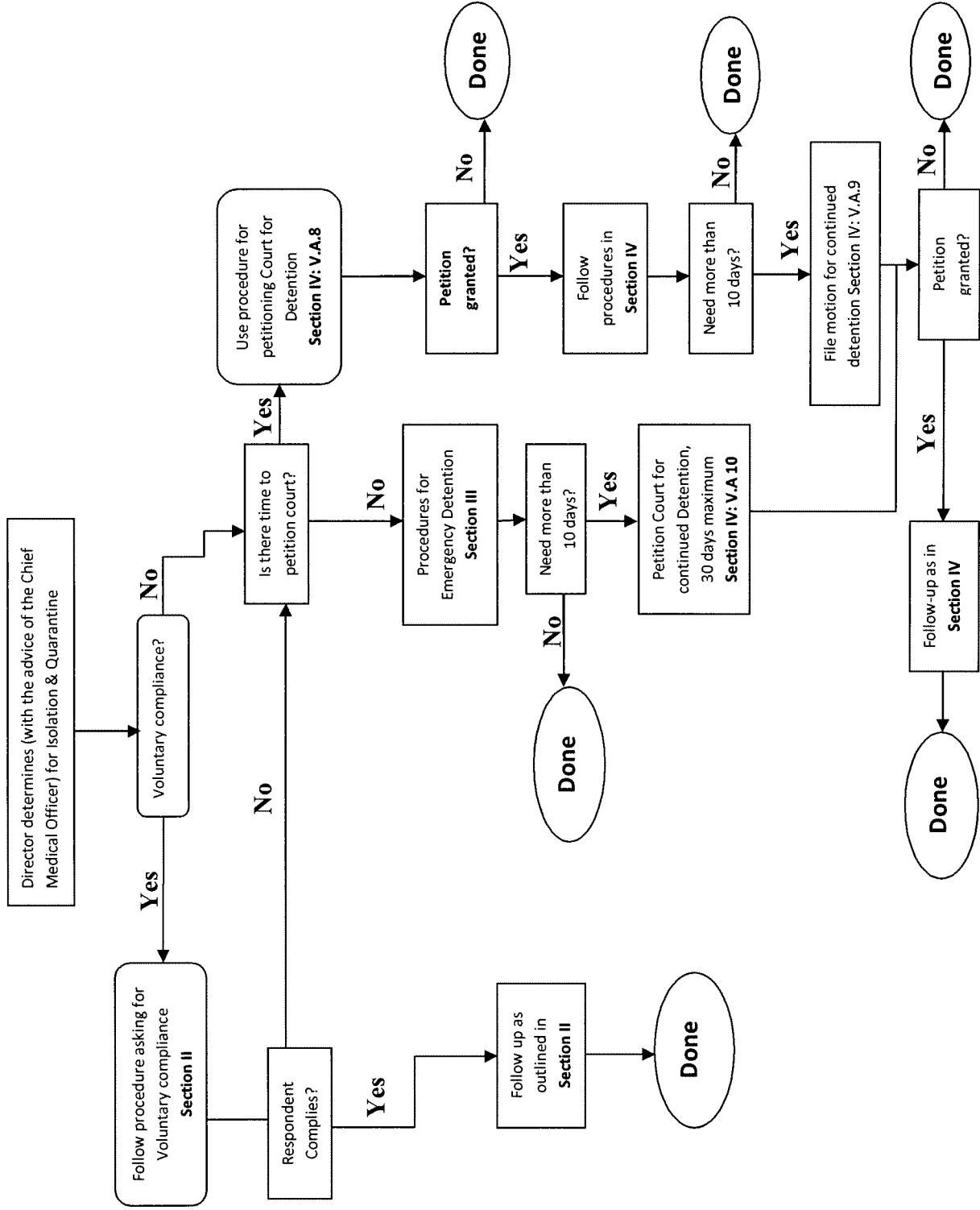
Approved:

Director, DPHSS

Attachments

1. Quarantine / Isolation Flow Chart
2. Use of Forms
3. Use of Isolation or Quarantine Legal Documents Process

Isolation and Quarantine Flowchart



USE OF FORMS:

Voluntary Compliance:

This is the first step in all cases unless the Director of DPHSS has determined that the risk necessitates going directly to an Emergency Detention Order or Petition for Judicial Detention. See procedure "Requesting Voluntary Isolation" in Section II.

Use the "Voluntary Isolation Letter" and "Voluntary Isolation Acknowledgment", both of which are in the "Letters" folder. If voluntary compliance is effective until the risk is no longer present, use the "Release from Isolation Letter." [Note: this same letter is also issued following the expiration of detention pursuant to an emergency order and judicial order.]

If Voluntary compliance is refused, the Director with the advice of the Chief Medical Officer can either (1) proceed with an Emergency Detention Order, use the "Involuntary Order" folder; or (2) petition the court for a judicial order of detention, use the "Judicial Detention when Voluntary Refused" folder.

Emergency Detention Order:

If the Health Officer decides to proceed with an emergency order, use the DPHSS- Director's "Involuntary Order" folder, the guidance is contained in Section III.

Petition for Judicial Detention:

If the Director under the advice of the Chief Medical Officer decides to petition the court for an order (without first attempting voluntary compliance), use the "Judicial Detention for Imminent Risk" folder. The guidance is contained in Section IV, Paragraph V.A.8.

Continued Detention:

If the Director with the advice of the Chief Medical Officer determines that more than ten (10) days of isolation/ quarantine are needed, application to the court can be made for an additional thirty (30) day period. The type of application to the court will vary depending on prior action: If the person is being isolated based on an Emergency Detention Order issued by the Director of DPHSS, use the "Continued Detention Lawsuit" folder because there has not been prior court involvement, a summons and petition will need to be filed (with the other documents). Guidance is found in Section IV, Paragraph V.A.10.

If the person is being isolated based on a Judicial Order of Detention issued by the superior court, use the "Continued Detention Motion" folder because a petition will have been previously filed and so no new summons and petition are required. Guidance is found in Section IV, Paragraph V.A.9.

USE OF ISOLATION OR QUARANTINE LEGAL DOCUMENTS PROCESS CHART

The Director's Options for Initiating Quarantine or Isolation under the P.L:22-130 with the advice of the Chief Medical Officer

Request for Voluntary Quarantine (P.L:22-130)	Order for Involuntary Isolation or Quarantine	Court Order for Involuntary Isolation or Quarantine
Likely to be used when:	Likely to be used when:	Likely to be used when:
<p>The Director is confident that the quarantined individual will comply</p> <p>NOTE: a) The term "isolation" is not used in this request, as isolation is used when a person already has symptoms. This person would need care in a hospital or hospital-like setting, as opposed to a voluntary quarantine to home or other residential-typesetting.</p> <p>b) The last part of the form calls for an attachment. The types of local resources which should be considered are telephone numbers for crisis clinic, mental health clinics, alcoholics anonymous, domestic violence counselors, or other support groups. The attachment should also inform the quarantined individual how to access basic necessities, e.g. Red Cross volunteers, volunteers from local faith based organizations, whatever organizations the Director has enlisted and educated to safely assist the quarantined individuals.</p>	<p>Not as confident the individual will comply with a Voluntary Request for Voluntary Isolation or Quarantine; when the Director believes the formality of the order with police enforcement will better ensure compliance, or there is no time or ability to secure a Court Order (i.e., person ready to leave jurisdiction, need to impose quarantine on a weekend or at night and no pre-arrangements were made to locate a judge in an emergency). Want to avoid court filing fees</p>	<p>Not confident that individual will comply with either Request or Order; the Director believes that it may be necessary to move to a contempt of court proceeding with the threat of incarceration and/or greater fine to secure the individual; as a supplement to the Order for Involuntary Isolation or Quarantine (both can be obtained, i.e. not mutually exclusive).</p> <p>NOTE: There are two sets of pleadings here – one is for use when no attempt is made to seek voluntary compliance due to the serious and imminent risk to the public. The second set is for use when voluntary compliance was sought, but the individual refused or otherwise indicated that he or she would not comply. P.L:22-130 section § 3309 provides for these two methods, which affects what the Director must include in his or her declaration. That is the reason for the pleadings. Take note of the footer to see which pleading is being used.</p>

Options for Non-compliance

If used Director's Request for Voluntary Quarantine Initially, then	If used Director's Order for Involuntary Isolation or Quarantine Initially, then	If used Court Order for Involuntary Isolation or Quarantine Initially, then
a) Director's Order for Involuntary Isolation or Quarantine under P.L.:22-130 or b) Court Order for Involuntary Isolation or Quarantine under P.L.:22-130	Court Order for Involuntary Isolation or Quarantine under P.L.:22-130	Seek an order from the court finding the individual in contempt of court under P.L.:22-130 Note: Given potential exposure to others, imprisonment might take the form of electronic monitoring at the quarantine site

To Extend Isolation or Quarantine Period

Note: Both the Director's Order and Court Order described above are valid for a maximum of ten days quarantine. If the Director needs to extend the quarantine beyond ten days, only the Superior Court may order an extension for up to thirty days. If the individual is voluntarily complying, then the Director may request the individual to continue in quarantine on a voluntary basis without seeking an order from the Court. There is **no** director's Order extending an involuntary isolation or quarantine in P.L.:22-130.

PROCEDURE: REQUESTING VOLUNTARY ISOLATION P.L:22-130**EFFECTIVE:** March 15, 2011**I. DEFINITIONS:**

A. **Isolation** - the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others. Chapter 3; §3301(b)

B. **Quarantine:** the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed. Chapter 3, §3301(c)

C. **Suspected to be infected:** for suspected cases means the local health officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

II. AUTHORITY:

A. In accordance with the provisions of an order issued by a Director, or his or her designee, in accordance with Chapter 3; §3310 (a & b) of P.L:22-130 shall constitute the duly authorized application of lawful rules adopted by the territory and must be enforced by all health workers, law enforcement officers and all other officers and employees of any political subdivisions within the jurisdiction of the health department.

B. Upon the advice of the Public Health Chief Medical Officer, the Director, or his or her designee, may issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine or may petition the superior court *ex parte* for an order to take the person or group of persons into involuntary detention for purposes of isolation or quarantine.

III. USE OF VOLUNTARY ISOLATION

A. Voluntary Isolation should always be used as a first option UNLESS the DPHSS Director under the medical advice of the Chief Medical Officer has:

1. determined in his or her professional judgment that seeking voluntary compliance would create a risk of serious harm; and
2. determined that there is a reason to believe that the person or persons is/are, or is/are suspected to be, infected with, exposed to or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken; and

3. Determined that there is a reason to believe that the person or persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation and quarantine.

B. If the subject(s) have been non-compliant with voluntary isolation and immediate action is believed to be needed, see Section III, Procedure: **“EMERGENCY DETENTION ORDER.”**

IV. PROCEDURE FOR VOLUNTARY ISOLATION:

A. Make a reasonable effort to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, and decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities using the following steps:

1. Isolation and quarantine staff will initiate direct contact with person or persons suspected to be infected.
2. Establish new case/contact(s) in Isolation and Quarantine files/records.
3. Verbally direct person or persons to voluntarily comply with request for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities.
4. Document date and time of verbal contact with person or persons and specific instructions given to person or persons in Isolation and Quarantine File or records.
5. Isolation and quarantine staff will follow up verbal request by *immediately* issuing written request to person or persons and acknowledgment of voluntary isolation form found in **Attachment 1, Section II**. If needed, help can be provided by GDPHSS’s legal counsel.
6. Hand delivers letter and acknowledgment of voluntary isolation form to person or persons.
7. Document date and time letter was delivered to person or persons in the Isolation and Quarantine. Also document whether or not person signed the acknowledgment of voluntary isolation form found in **Attachment 2, Section II**.
8. Maintain copy of letter(s) and acknowledgment of voluntary isolation form(s) for files.
9. Add case contact name(s) to schedule of daily check-in calls.
10. Establish an Emergency Call Center if the number of affected parties exceeds the day-to-day capacity of CD/EPI.
11. Conduct daily check-in calls to verify person or persons is/are at specified location and to monitor health status. Continue conducting daily check-in calls until such time that person or persons are released from voluntary isolation.
12. Record any irregularities discovered in check-in calls in Isolation and Quarantine File or Records [*i.e.*, change in health status, not responding to call(s)]
13. Notify the appropriate law enforcement agency and office of the prosecuting attorney of voluntary quarantine isolation.
14. Flag any and all irregularities for supervisory action and follow up. [*i.e.*, police or staff drives by]
15. **IF REPEATED ATTEMPTS TO LOCATE PERSON OR PERSONS ARE UNSUCCESSFUL, SEEK DECISION BY DIRECTOR ON ISSUING AN EMERGENCY DETENTION ORDER [maximum 10 days] AND/OR TO PETITION THE SUPERIOR COURT FOR INVOLUNTARY DETENTION [maximum 30 days].**

16. Document in the Isolation and Quarantine Database any requests for assistance. Include the following information:
- a. nature and type of assistance requested, [be specific]
 - b. date and time the request was made;
 - c. purveyor organization, contact name and phone number to which the request was assigned. [*i.e.*, Red Cross, NGO services agency, health care provider, and public health nurse] For multiple requests assigned to different purveyors, note this information for *each* type of assistance requested.
 - d. **NOTE:** Reasonable requests for assistance could include requests for food, clothing, shelter, and means of communication, medication, medical care and special needs related to cultural and religious beliefs.

V. PROCEDURE FOR RELEASE FROM VOLUNTARY ISOLATION

A. There are a number of circumstances under which a person or persons may be released from Involuntary Isolation.

1. The person or persons is no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or
2. The person or persons is/are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from voluntary isolation.

B. In such cases, once a decision has been made to release a person or persons from Voluntary Isolation, the following steps should be followed:

1. Initiate direct contact with person or persons to be released from voluntary isolation.
2. Issue a written statement that they are released from voluntarily isolation because:
 - a. they are no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or
 - b. they are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from voluntary isolation.
3. The form is found in **Attachment 3, Section II.**
4. Courier written statement to person or persons, return receipt requested.
5. File return receipt(s).
6. Document date and time letter was delivered to person or persons in the Isolation and Quarantine Database
7. Maintain copy of letter(s) for files.
8. Inactivate

Approved:

Director, GDPHSS

Attachments:

1. Voluntary Isolation Letter
2. Acknowledgement of Voluntary Isolation
3. Release for Voluntary Isolation

Date: _____

Addressee
Mailing/Delivery Address

Dear _____,

I have determined that your voluntary isolation and/or quarantine are necessary for the preservation and protection of the public health. This determination is based on the following information:

Therefore, your compliance is hereby requested. You are requested to report to, or remain at your primary residence of record at

_____ by _____
(Premises subject to isolation) (Date and time)

Please read the enclosed information carefully and follow the enclosed recommendations. The Guam Health Department of Public Health and Social Services requests that you stay home from work, school, child care, and other public areas until we notify you that it is safe to resume your normal activities.

I am including the most recent information available on what you can do to help prevent spread of _____ to others, including your household contacts. The information sheets about _____ are updated often as new information becomes available. [You can find out about any new information about _____ at the DPHSS website, [Insert only if applicable.]

We understand that staying home may cause significant inconvenience to you.

However, it is very important for the protection of your own health and that of others that you abide by this request for isolation and/or quarantine. If you have any questions about this request or need assistance in complying, please call _____ at (735-7102 or 735-7142) _____. Failure to voluntarily comply with this request may result in an emergency detention order, pursuant to P.L.:22-130

Sincerely,

Director, GDPHSS

VOLUNTARY ISOLATION ACKNOWLEDGMENT

On, _____, 20 __, I received a written notice from the Guam Department of Public Health and Social Services indicating that the Director with the advice of the Chief Medical Officer of the GDPHSS requests my voluntary isolation from the public.

I have read the notice and the enclosed information carefully and intend to follow the enclosed recommendations. I understand that I will stay home from work, school, child care, and other public areas until I am notified by the DPHSS staff that it is safe to resume my normal activities. Additionally, I will follow any other requests of the Guam Department of Public Health and Social Services relating to my isolation and/or quarantine. I understand that if I have any questions regarding my condition, I will **stay where I am and call the Guam Department of Public Health and Social Services at (671) 735-7201 or 7357154 or 735 7142**

DATED this _____ day of, 20 _____

[Sign name]

[Print name]

[Date of birth]

[Social security number]

COMPLETION OF ISOLATION /QUARANTINE CLEARANCE FORM

Date _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Guam Department of Public Health and Social Services for persons suspected of having _____. Isolation is recommended when someone has a communicable disease and contact with other people is restricted in order to prevent the spread of the illness.

The Guam Department of Public Health and Social Services requested isolation and/or quarantine of the above named individual based on recommendations from the U.S. Centers for Disease Control and Prevention. At the completion of the isolation and/or quarantine period, the activities of the above named individual are no longer restricted and they may return to work, school, and other public activities.

Attached is a fact sheet about _____. In addition, you may find information about _____ at the CDC website, www.cdc.gov, and the WHO website, www.who.org. You may also call Guam Department of Public Health and Social Services at 735- 7102 or 735-7142 or 735-7154 if you have questions about this letter or about _____.

Sincerely

Director, GDPHSS

PROCEDURE: EMERGENCY DETENTION ORDER [P.L.:22-130]**EFFECTIVE: March 15, 2011****I. DEFINITIONS:**

A. **Isolation:** the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others. [P.L.:22-130 §3301(b)]

B. **Quarantine:** the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed. [P.L.:22-130 §3301(c)]

C. **Suspected to be Infected:** for suspected cases means the local health officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

II. AUTHORITY:

A. In accordance with the provisions of (P.L.:22-130 Chapter-3; §3310), an order issued by the Director, or his or her designee, in accordance with Chapter 3 shall constitute the duly authorized application of lawful rules and must be enforced by all officers and employees of any political subdivisions within the jurisdiction of the health department.

B. Upon the advice of the Chief Medical Officer, the Director, or his or her delegate, may issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine in accordance with law, or may petition the superior court *ex parte* for an order to take the person or group of persons into involuntary detention for purposes of isolation or quarantine in accordance with P.L.:22-130 Subsection

III. PROCEDURE FOR DETERMINING NEED FOR EMERGENCY DETENTION ORDERS:

A. Before proceeding to the issuance of an Emergency Detention Order, the Director or his or her designee must FIRST answer and document responses to the questions contained in Section III, Attachment 1.

B. If you have answered YES to either question 2-a or 2-b, and YES to questions 1 and 3 in Section III, Attachment 1, AND have documented your decisions and the responses to said questions, proceed to the next section.

C. If you answered NO to any of the questions in Section III, Attachment 1, your responses suggest that sufficient evidence is not available to seek an EMERGENCY DETENTION ORDER at this time.

IV. USE OF EMERGENCY DETENTION ORDERS:

If the Director orders the immediate *involuntary* detention of a person or persons for purposes of isolation or quarantine, the Director shall issue a written emergency detention order as soon as reasonably possible and in all cases within 12 hours of detention. The emergency detention order shall be for a period not to exceed 10 days.

V. RELIEF FROM EMERGENCY DETENTION ORDERS:

A person or persons who are subjected to an Emergency Detention Order may seek relief from the superior court through a motion to show cause. A person or persons who are subjected to an Emergency Detention Order have the right to court appointed counsel pursuant to Chapter 3. If the superior court grants the person or people's relief from the Emergency Detention Order, proceed to Part VII, "PROCEDURE FOR RELEASE FROM EMERGENCY DETENTION" below.

VI. PROCEDURE FOR EXECUTING EMERGENCY DETENTION ORDER:

A. Internal Steps for Executing Emergency Detention Order:

1. Having made a reasonable effort to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities and having found that voluntary compliance has not or would not be effective, an emergency detention order is to be executed by taking the following steps:
 - a. Isolation and Quarantine staff will establish new* case contact(s) in Isolation and Quarantine File or Records. [** Only new if NO attempt had been made to secure voluntary compliance based on professional judgment and corresponding documentation of same, that seeking voluntary compliance would have created a risk of serious harm. Otherwise, case contact(s) will already be recorded from the attempted voluntary compliance.*]
 - b. If needed, notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine facilities for specified number of people.
2. Isolation and Quarantine administrator will notify relevant law enforcement and Office of the Prosecuting Attorney of intentions to issue "Emergency Detention Order" for specific person or person(s).
3. Request assistance from law enforcement personnel, as necessary, in order to take person or persons into custody and/or to assume control of specified facilities.
4. Within 12 hours of taking person or persons into custody, issue written emergency detention order(s) to said person or persons. Provide copy to relevant law enforcement officials. Hand deliver by courier- return receipt requested. **Attachment 2, Section III** is a copy of the Emergency Detention Order. If needed, help can be provided by DPHSS's legal counsel.
5. File return receipt(s).

6. Document date and time Emergency Detention Order was delivered to person or persons in the Isolation and Quarantine Database.
7. Maintain copy of Emergency Detention Order for files.
8. Add case contact name(s) to schedule of daily check-in calls.
9. Establish an Emergency Call Center if the number of affected parties exceeds the day-to-day capacity of Communicable Disease Control.
10. Conduct daily check-in calls to monitor person or persons' health status. Continue conducting daily check-in calls until such time that person or persons are released from emergency detention.
11. Record any irregularities discovered in check-in calls in Isolation and Quarantine file/records [i.e., change in health status or person(s) not responding to calls]
12. Flag any and all irregularities for IMMEDIATE action and follow up. [i.e., Law Enforcement or Public Health action]
13. Document in the Isolation and Quarantine file any requests for assistance. Include the following information:
 - a. nature and type of assistance requested, [be specific]
 - b. date and time the request was made;
 - c. purveyor organization, contact name and phone number to which the request was assigned. [i.e., Red Cross, local human services agency, health care provider, public health nurse] For multiple requests assigned to different purveyors, note this information for *each* type of assistance requested.
 - d. NOTE: Reasonable requests for assistance could include requests for food, clothing, shelter, and means of communication, medication, medical care and special needs related to cultural and religious beliefs.

B. Intergovernmental Coordination:

1. Health care providers assess the need to declare a Public Health Emergency and requests Guam Department of Public Health and Social Services to declare such an emergency.
2. The BCDC administrator determines the need to activate the incident command structure for Public Health including augmenting regular communicable disease staff to perform isolation and quarantine monitoring and follow up.
3. The BCDC Administrator/Department leadership coordinates between the Department, appropriate law enforcement, and local elected officials for the appropriate jurisdiction(s).

VII. PROCEDURE FOR RELEASE FROM EMERGENCY DETENTION:

A. There are several circumstances under which a person or persons may be released from Emergency Detention:

1. The person or persons is no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or
2. The person or persons is/are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from emergency detention; or
3. The emergency detention order has expired; or

4. The Court has granted the person or persons' request for relief from the emergency detention order.
 5. If the emergency detention order has expired, and the Director desires to continue detention by petitioning the Superior Court for Involuntary Detention, see Procedure "PETITIONING SUPERIOR COURT FOR INVOLUNTARY DETENTION."
- B. Upon the occurrence of any of the above, the following steps should be taken.
1. Notify Isolation and Quarantine Logistics staff that person or persons are to be released from Emergency Detention on a specified date and time.
 2. Notify relevant law enforcement that person or persons are to be released from Emergency Detention on a specified date and time.
 3. Initiate direct contact with person or persons to be released from emergency detention.
 4. Issue to person or persons at time of physical release, a written "Release from Emergency Detention" statement. The written statement should indicate that they are being released because:
 - a. They are no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or
 - b. They are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from emergency detention, or
 - c. They have been detained for the maximum time period allowed.
 5. Release from Emergency Detention form letter is in **Attachment 3, Section III.**
 6. Document date and time "Release from Emergency Detention" statement was hand delivered to person or persons in the Isolation and Quarantine File.
 7. Maintain copy of letter(s) for files.
 8. Inactivate case contacts Emergency Detention Status

Approved:

Director, DPHSS

Attachments:

1. Questions to ask prior to ordering Involuntary Detention.
2. Emergency Detention Order
3. Release from Involuntary Detention

Questions to ask prior to Issuing an Emergency Isolation/Quarantine Order

Name of individual or Group: _____

Date: _____

1) Do you have reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken?

YES / NO

2-a) Have you made a reasonable effort, which you have documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities?

YES / NO**OR**

2-b) Have you determined and documented in your professional judgment that seeking voluntary compliance would be unsuccessful/ ineffective?

YES / NO

3) Do you have reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others IF NOT DETAINED for purposes of isolation or quarantine?

YES / NO

Individual Making Determination: _____

Date: _____

Signature: _____

EMERGENCY INVOLUNTARY DETENTION ORDER

Under authority of Public Law 22-130; chapter 3: I, _____, the Director for the Guam Department of Public Health and Social Services, order the person or persons on the attached Confidential Schedule to be detained for isolation or quarantine at the location described on the Confidential Schedule beginning on _____, 20__ at _____ o'clock AM/PM and ending on _____, 20__ at _____ o'clock AM/PM. (not to exceed 10 days).

Based on my assessment of the information available, I suspect the communicable or infectious disease or agent affecting the person(s) identified in this order, or with which these persons have been exposed, infected, or contaminated by, is _____, and the person(s) identified in this order pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation or quarantine.

I made the following efforts to obtain voluntary compliance, which were unsuccessful

(OR)

In my professional judgment with the advice of the Chief Medical Officer, seeking voluntary compliance creates a risk of serious harm. This detention order is medically justified because _____

DATED this _____ day of _____ 20__ at _____ AM/PM

Director/Medical Advisor
Guam Department of Public Health & Social Services

NOTICE TO PERSONS DETAINED BY THIS ORDER

NOTICE: You have the right to petition the superior court for release from isolation or quarantine in accordance with P.L:22-130. You have the right to legal counsel in accordance with P.L:22-130. If you are unable to afford legal counsel, then counsel will be appointed for you at government expense and you should request the appointment of counsel at this time. If you currently have legal counsel, then you have an opportunity to contact that counsel for assistance.

CONFIDENTIAL SCHEDULE

ATTACHED TO EMERGENCY INVOLUNTARY DETENTION ORDER

Protected under the Health Care Information Act, HIPPA

Name(s)

Address

Identity in Pleadings

Location of Detention

COMPLETION OF ISOLATION /QUARANTINE CLEARANCE FORM

Date _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Guam Department of Public Health and Social Services for persons suspected of having _____. Isolation is recommended when someone has a communicable disease and contact with other people is restricted in order to prevent the spread of the illness.

The Guam Department of Public Health and Social Services requested isolation and/or quarantine of the above named individual based on recommendations from the U.S. Centers for Disease Control and Prevention. At the completion of the isolation and/or quarantine period, the activities of the above named individual are no longer restricted and they may return to work, school, and other public activities.

Attached is a fact sheet about _____. In addition, you may find information about _____ at the CDC website, www.cdc.gov, and the WHO website, www.who.org. You may also call the Guam Department of Public Health and Social Services at 735-7154/735-7152 or 735-7102.

Director
GDPHSS

PROCEDURE: PETITIONING SUPERIOR COURT FOR INVOLUNTARY DETENTION

I. DEFINITIONS:

A. **Isolation** - the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others. [P.L.:22-130; Chapter 3-§3301(b)]

B. **Quarantine**: the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed. [P.L.:22-130; Chapter 3; §3301(c)]

C. **Suspected to be Infected**: for suspected cases means the local health officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment

II. AUTHORITY:

A. In accordance with the provisions, an order issued by the Director of DPHSS, or his or her designee, shall constitute the duly authorized application of lawful rules adopted by the state board of health and must be enforced by all police officers, healthcare providers, and all other officers and employees of any political subdivisions within the jurisdiction of the health department.

B. In accordance with P.L. 22-130, the Director of DPHSS, or his or her designee, upon the professional advice of the Public Health Medical Officer, may issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine in accordance with P.L.: 22-130 Chapter 3;§3310, or may petition the superior court *ex parte* for an order to take the person or group of persons into involuntary detention for purposes of isolation or quarantine.

III. PROCEDURE FOR DETERMINING NEED FOR INVOLUNTARY DETENTION ORDERS:

A. Before proceeding to the court to petition for an Involuntary Detention Order, the Director, or his or her designee, must FIRST complete Section IV, Procedure for Petitioning the Superior Court for Involuntary Detention; Section IV, Page 2 answer and document responses to the Questions contained in Attachment 1, Section IV.

B. If you have answered YES to either question 2-a or 2-b, and YES to questions 1 and 3 contained in Attachment 1, Section IV, AND have documented your decisions and the responses to said questions, proceed to the next section.

C. If you answered NO to any of the questions contained in Attachment 1, Section IV, your responses suggest that sufficient evidence is not available to seek an INVOLUNTARY DETENTION ORDER at this time.

IV. WHEN TO PETITION THE SUPERIOR COURT:

A. The Director having first made a reasonable effort to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities; **OR**

B. having found that voluntary compliance has not or would not be effective; **AND/OR**

C. having executed an emergency detention order for a maximum period of 10 days; **AND**

D. having found that circumstances require continued isolation and or quarantine for an extended period of time; the Director may elect to Petition the Superior Court *ex parte*.

V. PROCEDURE FOR PETITIONING THE SUPERIOR COURT:

A. If the Director elects to petition the Superior Court seeking Involuntary Detention of a person or persons for purposes of isolation or quarantine, the following steps must be taken:

1. Isolation and quarantine staff will establish new* case contact(s) in Isolation and Quarantine File. [** Only new if NO attempt had been made to secure voluntary compliance based on professional judgment and corresponding documentation of same, that seeking voluntary compliance would have created a risk of serious harm. Otherwise, case contact(s) will already be recorded from the attempted voluntary compliance*]
2. Isolation and Quarantine Supervisor will notify the Attorney General's Office of Prosecuting Attorney (OPA) of intent to petition the Superior Court for Involuntary Detention for specific person or person(s).
3. Notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine facilities for specified number of people
4. The Isolation and Quarantine Supervisor will notify relevant law enforcement [i.e. Sheriff and chief of police] of intentions to petition the Superior Court for Involuntary Detention for specific person or person(s).
5. **Initial Petition for 10-day Involuntary Detention (except for active TB cases).** Isolation and Quarantine staff will prepare the necessary legal documents, if needed, help can be provided by GDPHSS' legal counsel, and submit the following information to the OPA for review and action:
 - a. Initial Petition for 10-day Involuntary Detention. The Petition is found in **Attachment 2, Section IV.**

- b. Documentation supporting a declaration of the Director of DPHSS attesting to the facts asserted in the petition. The Declaration is found in **Attachment 3, Section IV**.
 - c. The confidential schedule is used no matter how many people are being quarantined. It is a means to protect private health information. The Emergency Detention Order and/or Court pleadings will use an identifier, such as initials. The person(s) actual name will only appear on the confidential schedule. Confidential Schedule is found at **Attachment 4, Section IV**.
 - d. Preparation of any further information that might be relevant and material to the Court's consideration
 - e. Statement of compliance with the conditions and principles of isolation and quarantine contained in P.L:22-130
 - f. A summons. The Summons is found in **Attachment 5, Section IV**.
 - g. An Order for the Court to issue if the involuntary isolation/quarantine is approved. The Order is found in **Attachment 6, Section IV**.
6. **Extension of 10-day Involuntary Detention.** A 10-day Involuntary Detention Order can be extended up to 30 days by petitioning the Court (except for MDR-TB which would need much longer than 30 days detention). Prepare the necessary legal documents (If needed, help can be provided by GDPHSS' legal counsel), and submit the following information to the OPA for review and action:
- a. Motion for Detention. The Motion is found in **Attachment 7, Section IV**.
 - b. Documentation supporting a declaration of the Director of DPHSS attesting to the facts asserted in the petition. The Declaration is found in **Attachment 8, Section IV**.
 - c. The confidential schedule is used no matter how many people are being quarantined. It is a means to protect private health information. The Emergency Detention Order and/or Court pleadings will use an identifier, such as initials.
The person(s) actual name will only appear on the confidential schedule. Confidential Schedule is found at **Attachment 9, Section IV**.
 - d. Preparation of any further information that might be relevant and material to the Court's consideration.
 - e. Statement of compliance with the conditions and principles of isolation and quarantine contained in P.L:22-130.
 - f. An Order for the Court to issue if the involuntary isolation/quarantine is approved. The Order is found in **Attachment 10, Section IV**.
7. **Extension of Emergency Detention.** If GDPHSS has not petitioned the court before, a different set of forms must be used. A 10-day Emergency Detention Order can be extended up to 30 days by petitioning the Court. Prepare the necessary legal documents, if needed help can be provided by GDPHSS' legal counsel, and submit the following information to the Attorney General's Office for review and action:
- a. Petition for Continued Detention. The Petition is found in **Attachment 12, Section IV**.
 - b. Documentation supporting a declaration of the Director of DPHSS attesting to the facts asserted in the petition. The Declaration is found in **Attachment 13, Section IV**.
 - c. The confidential schedule is used no matter how many people are being quarantined. It is a means to protect private health information. The Emergency Detention Order and/or Court pleadings will use an identifier, such as initials. The person(s) actual name will only appear on the confidential schedule. Schedule is found in **Attachment 14, Section IV**.

- d. A summons to appear is in **Attachment 15, Section IV.**
 - e. Preparation of any further information that might be relevant and material to the Court's consideration.
 - f. Statement of compliance with the conditions and principles of isolation and quarantine contained in P.L:22-130.
 - g. An Order for the Court to issue if the involuntary isolation/quarantine is approved. The Order is found in **Attachment 16, Section IV.**
8. **Additional Extensions of Involuntary Detention (except for Active TB cases).** A 30-day Extended Involuntary Detention Order can be extended as necessary pursuant to section 6 of §3310 up to 30 additional days per extension by petitioning the Court. Prepare the necessary legal documents according to the procedure described in subsection 6 of this section (if needed, help can be provided by GDPHSS' legal counsel), and to submit to the OPA for review and action.
 9. Request assistance from law enforcement personnel, as necessary, in order to take person or persons into custody and/or to assume control of specified facilities.
 10. Document date and time of submission to OPA, (AG's Office) in the Isolation and Quarantine File.
 11. Maintain copy of Petition and supporting documents for files.
 12. OPA office to notify Department when petition is filed. Record filing time + 72* hours for approximate date/time for hearing. [* Exclusive of Saturdays, Sundays and holidays]
 13. Follow up with OPA's office DAILY regarding status of outstanding petitions. Record status of petitions in Isolation and Quarantine Database as "pending review by Superior Court."

B. If Petition is Denied, then proceed to **Section VI, "PROCEDURE FOR RELEASE FROM INVOLUNTARY DETENTION"** on the following page.

C. If the Superior Court grants the petition, take the following steps:

1. Notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine facilities for specified number of people.
2. Notify relevant law enforcement that Petition for Involuntary Detention has been granted for specific person or person(s).
3. Request assistance from law enforcement personnel, as necessary, in order to take person or persons into custody and/or to assume control of specified facilities.
4. Add case contact name(s) to schedule of daily check-in calls.
5. Conduct daily check-in calls to monitor person or persons' health status. Continue conducting daily check-in calls until such time that person or persons are released from involuntary detention.
6. Record any irregularities discovered in check-in calls in Isolation and Quarantine File/records. [i.e., change in health status]
7. Flag any and all irregularities for IMMEDIATE supervisory action and follow up. [i.e., Law Enforcement or Public Health action]
8. Document in the Isolation and Quarantine Database any requests for assistance. Include the following information:
 - a. nature and type of assistance requested, [be specific]
 - b. date and time the request was made;

- c source organization, contact name and phone number to which the request was assigned. [e.g., Red Cross, local human services agency, health care provider, public health nurse] or multiple requests assigned to different purveyors, note this information for *each* type of assistance requested.
- d. reasonable requests for assistance could include requests for food, clothing, shelter, and means of communication, medication, medical care and special needs related to cultural and religious beliefs.

VI. PROCEDURE FOR RELEASE FROM INVOLUNTARY DETENTION:

A. There are several circumstances under which a person or persons may be released from Emergency Detention:

1. The person or persons is no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or
2. The person or persons is/are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from emergency detention; or
3. The emergency detention order has expired; or
4. The Superior Court did not grant authority for involuntary detention based upon the Petition.

B. In all such cases, once a decision has been made to release a person or persons from Involuntary Detention prior to, or upon the expiration date as noted on the Petition granted by the Superior Court, the following steps should be followed:

1. Notify ISOLATION AND QUARANTINE LOGISTICS STAFF that person or persons are to be released from Involuntary Detention on a specified date and time.
2. Notify relevant law enforcement that person or persons are to be released from Involuntary Detention on a specified date and time.
3. Initiate direct contact with person or persons to be released from Involuntary Detention.
4. Issue to person or persons at time of physical release, a written "Release from Involuntary Detention" statement. The written statement should indicate that they are being released because:
 - a. They are no longer suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent; or
 - b. They are deemed to no longer pose a serious and imminent risk to the health and safety of others if released from involuntary detention, or
 - c. They have been detained for the maximum time period of 30 days.
5. A copy of the Release from Involuntary Detention is in **Attachment 11, Section IV**.
6. Document date and time "Release from Involuntary Detention" statement was hand delivered to person or persons in the Isolation and Quarantine File.
7. Maintain copy of letter(s) for files.
8. Inactivate case contact(s), Involuntary Detention Status.

Approved:

Director
Guam DPHSS
Attachments:

1. Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order
2. Petition for ordering Involuntary Detention'
3. Health Officer Declaration in Support of Petition
4. Confidential Schedule
5. Summons
6. Order for Involuntary Detention
7. Motion for Continued Involuntary Detention
8. Health Officer Declaration for Continued Involuntary Detention
9. Confidential Schedule for Continued Involuntary Detention
10. Order for Involuntary Continued Detention
11. Release from Involuntary Detention
12. Petition for Continued Detention
13. Health Officer Declaration for Continued Detention
14. Confidential Schedule for Continued Detention
15. Summons for Continued Detention
16. Order for Involuntary Continued Detention

Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order

Name of individual or Group: _____

Date: _____

1) Do you have reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken?
YES / NO

2-a) Have you made a reasonable effort, which you have documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities?
YES / NO

OR

2-b) Have you determined and documented in your professional judgment that seeking voluntary compliance would be ineffective?
YES / NO

3) Do you have reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others IF NOT DETAINED for purposes of isolation or quarantine?
YES / NO

Individual Making Determination: _____

Date: _____

Signature: _____

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
PETITION FOR EX PARTE ORDER
AUTHORIZING INVOLUNTARY
DETENTION FOR QUARANTINE OR
ISOLATION WHEN VOLUNTARY
QUARANTINE OR ISOLATION REFUSED

COMES NOW _____, Director of the Department of Public Health & Social Services, Guam, by and through his/her attorney, _____, and petitions this court for an order *ex parte* authorizing involuntary detention for quarantine or isolation. This petition is based on the pleadings and declaration of _____, attached hereto.

1. JURISDICTION: This petition is requested under authority of Public Law 22-130; Ch:3;§ 3333

2. IDENTITY PARTIES: _____, is the Director of the Department of Public Health & Social Services with Office located at 123 Chalan Kareta, Mangilao, Guam
Respondent(s) and their location are identified in the attached Confidential Schedule.

3. FACTUAL ALLEGATIONS:

a. The Director of DPHSS has determined, or has reason to believe, that the respondent(s) is/are, or is/are suspected to be, infected with, exposed to, or contaminated with _____, which could infect or contaminate others if respondent(s) is/are not detained and quarantined or isolated.

The Director requested that respondent(s) voluntarily comply with isolation and quarantine requirements to protect the public health, safety and welfare. Respondent(s) failed to comply or refused to comply with infection control directives, including the directive for isolation or quarantine.

PETITION FOR EX PARTE ORDER
WHEN VOLUNTARY DETENTION
REFUSED

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b. The Health Officer took the following measures seeking voluntary compliance:

c. The medical basis justifying detention for isolation or quarantine is justified is:

4. RELIEF REQUESTED. Based on the above allegations as supported by the attached declaration, the Director requests the following:

a. The entry of an order ex parte authorizing involuntary detention of the person(s) named herein at the location specified in the Confidential Schedule from _____, 20__ at _____ o'clock (Guam Time) to _____, 20__ at _____ o'clock AM/PM (not to exceed ten days);

b. The entry of an order sealing the Confidential Schedule and any other documents containing identifying of the respondent(s), including the location of isolation or quarantine, to protect the privacy of their health care information

c. Such other relief as the court deems reasonable and proper.

DATED this ____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, Guam

PETITION FOR EX PARTE ORDER
WHEN VOLUNTARY DETENTION
REFUSED

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
**DECLARATION IN SUPPORT OF PETITION
FOR EXPARTE AUTHORIZING
INVOLUNTARY DETENTION FOR
QUARANTINE OR ISOLATION**

_____ declares:

1. I am the Director of the Department of Public Health & Social Services, Guam.
2. I am authorized by chapter 3 and chapter 19 to take action necessary to protect the public health safety and welfare.
3. I am authorized to request this court to issue an ex parte order for involuntary detention of individuals who should be isolated or quarantined to protect the public health, safety and welfare.
4. I am asking this court to issue an order involuntarily detaining the individuals named on the attached confidential schedule because they pose a threat to the public health, safety and welfare for the following reasons:
5. Respondent(s) has/have been diagnosed with, or is/are suspected to have been exposed to, infected with, or contaminated by, _____ because

DECLARATION SUPPORTING
EX PARTE DETENTION PETITION

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6. Respondent(s)' condition or suspected condition poses a serious and imminent risk to the health and safety of others because

7. Voluntary isolation or quarantine was attempted on. Respondent(s) refused to agree to voluntary isolation or quarantine.

8. To protect the public, respondent(s) should be detained in isolation or quarantine for a period of _____ days (no more than ten days), unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare _____ declares:

I declare under penalty of perjury under the laws of the Territory of Guam that the foregoing is true and correct.

DATED this _____ day of _____, 20__

Insert Full Name

Signed this _____ day of _____ 20__
at _____, Guam

DECLARATION SUPPORTING EX
PARTE DETENTION PETITION

CONFIDENTIAL SCHEDULE

**ATTACHED TO PETITION FOR EX PARTE ORDER AUTHORIZING INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION WHEN VOLUNTARY QUARANTINE OR ISOLATION REFUSED**

Protected under the Health Care Information Act, HIPPA

Name(s)

Address

Identity in Pleadings

Location of Detention

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**Territory of Guam
Superior Court of Guam**

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
SUMMONS

TO THE RESPONDENT(S): A lawsuit has been started against you in the above entitled court by _____ petitioner. Petitioner's claim is stated in the written petition, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the petition by stating your defense in writing, and serve a copy upon the undersigned attorney for the petitioner within 20 days after the service of this summons excluding the day of service, or a default judgment may be entered against you without notice. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before default judgments may be entered.

You may demand that the petitioner file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the petitioner. Within 14 days after you serve the demand the petitioner must file this lawsuit.

If you wish to seek the advice of an attorney in this matter you should do so promptly so that your written response, if any, may be served on time

DATED this ____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, GUAM

SUMMON

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
ORDER (EX PARTE) AUTHORIZING
INVOLUNTARY DETENTION FOR
QUARANTINE OR ISOLATION WHEN
WHEN VOLUNTARY QUARANTINE
OR ISOLATION REFUSED

THIS MATTER having come before the Court on the Petition for an Ex Parte Order Authorizing Involuntary Detention for Quarantine or Isolation When Voluntary Quarantine or Isolation Refused filed by _____, Director for the Department of Public Health & Social Services, by and through his/her attorney, _____. The Court considered the pleadings and file herein and the declaration of _____ in support of the petition.

Based on the argument of counsel and the evidence presented, the Court finds:

- 1.1 The court has jurisdiction over the person and subject matter in this proceeding
- 1.2 The Director of DPHSS sought voluntary compliance with isolation and quarantine measures, with which respondent(s) has/have refused or failed to comply.
- 1.3 There is a reasonable basis supporting the need to isolate or quarantine the respondent(s) as they present a serious and imminent risk to the health and safety of others
- 1.4 Respondent(s)' identity(ies) and the location of isolation or quarantine should be kept confidential to protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164)

Based on the above findings, IT IS ORDERED

EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

1 2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine
 2 as necessary to protect the public health, safety and welfare at the location specified on the Confidential
 3 Schedule from _____, 20__ at ___ o'clock AM/PM to from _____, 20__ at _____
 4 o'clock AM/PM, unless medical tests or other information conclusively establishes
 5 that he/she/they no longer present a threat to the public health, safety and welfare, whereupon,
 6 respondent(s) shall be immediately released from detention:
 7

8 2.2 The confidential schedule and any other documents containing the identifying information about the
 9 respondent(s), including the location of isolation or quarantine, shall be and are hereby sealed to protect the
 10 privacy of their health care information.
 11

12 **DATED** this ____ day of _____, 20__.

16 _____
 17 JUDGE

18
 19 Presented by: .

20 _____

21 Attorney's Name

22 Attorney for DPHSS, GUAM

23 License number:
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EX PARTE ORDER WHEN
 VOLUNTARY DETENTION REFUSED

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
**MOTION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION**

COMES NOW _____, Director for the Department of Public Health & Social Services, by and through his/her attorney, _____ and asks this court for an order authorizing extension of the period for involuntary detention for quarantine or isolation. On _____, this court issued an, ex parte order authorizing involuntary detention for quarantine or isolation based on the petition submitted by _____ the Director.

The order issued on _____ authorized involuntary detention for quarantine or isolation of respondent(s) at the location specified on the Confidential Schedule from _____, 20____ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM. This motion asks the court to extend the period of detention for quarantine or isolation of respondent(s) up to an additional thirty days. The local health jurisdiction is in full compliance with the isolation and quarantine principles and conditions contained in Public Law: 22-130. This motion is based on P.L:22-130 the pleadings, record and file herein, and the declaration of _____, attached hereto.

DATED this ____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, Guam

MOTION FOR CONTINUATION
OF DETENTION

**Territory of Guam
Superior Court of Guam**

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
MOTION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION

____ declares:

1. I am the Director, Department of Public Health and Social Services.
2. I am authorized by chapter 3; of P.L 22-130, to take action necessary to protect the public health, safety and welfare.
3. Under P.L:22-130 I am authorized to ask the court to issue an order for the continued involuntary detention of individuals who should be isolated or quarantined to protect the public health, safety and welfare.
4. I am asking this court to issue an order continuing the involuntarily detention of the individuals named on the attached Confidential Schedule because they continue to pose a threat to the public health, safety and welfare for the following reasons:
5. Respondent(s) has/have been diagnosed with, or is/are suspected to have been exposed to, infected with, or contaminated by, _____ because:

MOTION FOR CONTINUATION OF
DETENTION

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6. Respondent(s)' condition or suspected condition poses a serious and imminent risk to the health and safety of others because:

7. Other less restrictive alternatives were considered as described below, and those alternatives will not provide adequate protection for the public health, safety and welfare because:

8. To protect the public, respondent(s) should be detained in isolation or quarantine for a period of _____ days (no more than thirty additional days) at the location specified in the attached Confidential Schedule, unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare.

I declare under penalty of perjury under the laws of the Territory of Guam that the foregoing is true and correct.

DATED this ____ day of _____, 20__ .

[Insert full name]
Signed this _____ day of _____ 20__
at _____, GUAM

CONFIDENTIAL SCHEDULE

**ATTACHED TO MOTION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION**

Protected under the Health Care Information Act, HIPPA

Name(s)

Address

Identity in Pleadings

Location of Detention

MOTION FOR CONTINUATION OF
DETENTION

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**Territory of Guam
Superior Court of Guam**

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
ORDER GRANTING MOTION FOR
CONTINUED INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION

THIS MATTER came before the Court on the Motion for an Order Authorizing Continued Involuntary Detention for Quarantine or Isolation filed by _____, Director for the Department of Public Health and Social Services, by and through his/her attorney, _____. The Court considered the pleadings and file herein and the declaration of _____ in support of the petition.

Based on the argument of counsel and the evidence presented, the Court finds:

- 1.1 The court has jurisdiction over the person and subject matter in this proceeding
- 1.2 There is a reasonable basis supporting the need to continue isolating or quarantining the respondent(s) as they present a serious and imminent risk to the health and safety of others.
- 1.3 Respondent(s)' identity (ies) and location of isolation and quarantine should be kept confidential to protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164) and Public Law: 22-130

Attorney's Name
Attorney for DPHSS, Guam

MOTION FOR CONTINUATION
OF DETENTION

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Based on the above findings, IT IS ORDERED

2.1 The motion is granted and respondent(s) shall continue to be detained for isolation or quarantine necessary to protect the public health, safety and welfare at the location specified in the Confidential Schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM, unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare, whereupon respondent(s) shall be immediately released from detention;

2.2 The Confidential Schedule and any other documents containing the identifying information about the respondent(s), including the location of isolation or quarantine, shall be and are hereby sealed to protect the privacy of their health care information.

DATED this ____ day of _____, 20__.

JUDGE

Presented by:

[Attorney's Name]
Attorney for DPHSS, GUAM

Date: _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Department of Public Health & Social Services for persons suspected of having _____. Isolation is recommended when someone has a communicable disease and contact with other people is restricted in order to prevent the spread of the illness.

The Department of Public Health and Social Services requested isolation and/or quarantine of the above named individual based on recommendations from the U.S. Centers for Disease Control and Prevention. At the completion of the isolation and/or quarantine period, the activities of the above named individual are no longer restricted and they may return to work, school, and other public activities.

Attached is a fact sheet about _____. In addition, you may find information about _____ at the CDC website, www.cdc.gov, and the WHO website, www.who.org. You may also call the Department Public Health and Social Services at (671)735-7154 if you have questions about this letter or about _____.

Sincerely

Director
DPHSS, GUAM

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Territory of Guam
Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
PETITION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION

COMES NOW _____, Director of the Department of Public Health & Social Services, Guam, by and through his/her attorney, _____, and petitions this court for an order authorizing the extension for the period of involuntary detention for quarantine or isolation. This petition is based on the pleadings and declaration of _____, attached hereto.

1. **JURISDICTION:** This petition is requested under authority of section § 3333 of Ch:3- Public Law 22-130

2. **IDENTITY PARTIES:** _____, is the Director of the Department of Public Health & Social Services with Office located at 123, Chalan Kareta, Mangilao, Guam Respondent(s) and their location are identified in the attached Confidential Schedule.

3. **FACTUAL ALLEGATIONS**

- a. On _____, 20____, _____, the Director of DPHSS, issued an emergency order immediately involuntarily detaining the respondent(s) for quarantine or isolation under the authority P.L:22-130
- b. The emergency order issued on _____, 20____, authorized the involuntary detention for quarantine or isolation of respondent(s) at the location identified on the attached Confidential Schedule from _____, 20__ at _____ o'clock AM/PM to _____,20__ at _____ o'clock AM/PM, no more than ten days.

PETITION FOR CONTINUATION
INVOLUNTARY DETENTION

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c. The Director has determined or has reason to believe that the respondent(s) is/are, or is/are suspected to be, infected with, exposed to, or contaminated with _____, which could infect or contaminate others if respondent(s) is/are not detained and quarantined or isolated from others

d. The medical basis justifying isolation or quarantine is justified is:

e. The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agents is _____ (not to exceed thirty days, not applicable to active TB cases where the isolation could be much longer).

f. The local health jurisdiction is in full compliance with the isolation and quarantine principles and conditions contained in Public Health 22-130, Chapter 3.

4. RELIEF REQUESTED. Based on the above allegations as supported by the attached declaration, the Director requests the following:

a. The entry of an order authorizing the continued involuntary detention of the person(s) named on the attached Confidential Schedule at the location specified on the attached Confidential Schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM (not to exceed thirty days);

b. The entry of an order sealing the Confidential Schedule and any other documents containing identifying information of the respondent(s), including the location of isolation or quarantine, to protect the privacy of their health care information;

c. Such other relief as the court deems reasonable and proper.

DATED this ____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, Guam

PETITION FOR CONTINUATION OF
INVOLUNTARY DETENTION

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**Territory of Guam
Superior Court of Guam**

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
PETITION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION

_____ declares:

1. I am the Director for the Department of the Public Health and Social Services, Guam
2. I am authorized by chapter 3 to take action necessary to protect the public health, safety and welfare.
3. I am authorized to ask the court to issue an order for the continued involuntary detention of individuals who should be isolated or quarantined to protect the public health, safety and welfare.
4. On _____, 20____, I issued an emergency order involuntarily detaining the respondent(s) for isolation or quarantine from _____,20__ at _____ o'clock AM/PM (Guam Time) to _____ 20__ at _____ o'clock AM/PM (no more than ten days or longer as required of the disease based on the incubation period and results of medical examination and laboratory tests).
5. I have determined, or have reason to believe, that the respondent(s) is/are, or is/are suspected infected with, exposed to, or contaminated with _____, which could infect or contaminate others if respondent(s) is/are not detained and quarantined or isolated.
6. The medical basis justifying detention for isolation or quarantine is:

DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

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7. The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent is _____ (not to exceed thirty days).

8. The local health jurisdiction is in full compliance with the isolation and quarantine principles and conditions contained in P.L.:22-130; chapter 3.

9. To protect the public, respondent(s) should be detained in isolation or quarantine at the location specified in the attached Confidential Schedule, unless medical tests or other information conclusively specified in the attached Confidential Schedule, unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare.

I declare under penalty of perjury under the laws of the Territory of Guam that the foregoing is true and correct.

DATED this ____ day of _____, 20__ .

Insert Full Name

Signed this ____ day ____ of 20 __ .
at _____, GUAM

DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

CONFIDENTIAL SCHEDULE

**ATTACHED TO PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION**

Protected Under the Health Care Information Act, HIPAA (42 USC §1320d-1329d- 8; 45 CFR Parts 160-164)

Name(s)

Address

Identity in Pleadings

Location of Detention

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Territory of Guam

Superior Court of Guam

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
SUMMONS

TO THE RESPONDENT(S): A lawsuit has been started against you in the above entitled court by _____ petitioner. Petitioner’s claim is stated in the written petition, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the petition by stating your defense in writing, and serve a copy upon the undersigned attorney for the petitioner within 20 days after the service of this summons excluding the day of service, or a default judgment may be entered against you without notice. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the petitioner file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the petitioner. Within 14 days after you serve the demand the petitioner must file this lawsuit with the court, or the service on you of this summons and petition will be void.

If you wish to seek the advice of an attorney in this matter you should do so promptly so that your written response, if any, may be served on time

This summons is issued pursuant to Rule of the Superior Court Civil Rules Guam..

DATED this ____ day of _____, 20__.

Attorney’s Name
Attorney for DPHSS, GUAM

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**Territory of Guam
Superior Court of Guam**

In Re:
____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____
ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY DETENTION
FOR QUARANTINE OR ISOLATION

THIS MATTER came before the Court on the Petition for Order Authorizing Continued Involuntary Detention for Quarantine or Isolation filed by _____, Director for the Department of Public Health and Social Services, by and through his/her attorney, _____. The Court considered the pleadings and file herein and the declaration of _____ in support of the petition.

Based on the argument of counsel and the evidence presented, the Court finds:

1.1. The court has jurisdiction over the person and subject matter in this proceeding.

1.2. On _____, 20____, the Department of Public Health and Social Services issued an emergency order involuntarily detaining respondent(s) for isolation or quarantine under the authority of Public Law: 22-130.

1.3. The emergency order issued on _____, 20__ authorized the involuntary detention for quarantine or isolation of respondent(s) at the location identified on the attached confidential schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM, no more than ten days (except for active TB cases).

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR QUARANTINE OR
ISOLATION

1 1.4 There is a reasonable basis supporting the need to continue isolating or quarantining the respondent(s)
2 as they present a serious and imminent risk to the health and safety of others.

3
4 1.5 Respondent(s)' identity(ies) and location of isolation and quarantine should be kept confidential to
5 protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164) and
6 P.L.:22-130; chapter 3.

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9 Based on the above findings, IT IS ORDERED:
▲

10 2.1 The petition is granted and respondent(s) shall continue to be detained for isolation or quarantine as
11 necessary to protect the public health, safety and welfare at the location specified in the Confidential
12 schedule from _____, 20__ at _____ o'clock AM/PM to ____ o'clock AM/PM, unless medical
13 tests or other information conclusively establishes that he/she/they no longer present a threat to the
14 public health, safety and welfare, whereupon respondent(s) shall be immediately released from
15 detention.

16
17 2.2 The Confidential Schedule and any other documents containing the identifying information
18 about the respondent(s), including the location of isolation or quarantine, shall be and are hereby
19 sealed to protect the privacy of their health care information.

20
21 DATED this _____ day of _____, 20 ____.

22
23 _____
24 JUDGE

25 Presented by:

26 _____
27 Attorney's Name

Attorney for DPHSS, GUAM

License #

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR QUARANTINE OR
ISOLATION