EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

December 10, 2012

31-12-1980
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12/10/12
Time 5:20 PM
Received by

2012 DEC 11 AM 10:31

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 388-31 (COR) "AN ACT TO *ADD* A NEW CHAPTER 10 TO DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE ISOLATION AND QUARATINE REGULATIONS TO PREVENT THE SPREAD OF COMMUNICABLE DISEASES, AS PROVIDED PURSUANT TO ARTICLE 3 OF CHAPTER 3, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED", which I signed into law on December 6, 2012 as **Public Law 31-247.**

Senseramente,

EDDIE BAZA CALVO

1980

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Substitute Bill No. 388-31 (COR), "AN ACT TO *ADD* A NEW CHAPTER 10 TO DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE ISOLATION AND QUARANTINE REGULATIONS TO PREVENT THE SPREAD OF COMMUNICABLE DISEASES, AS PROVIDED PURSUANT TO ARTICLE 3 OF CHAPTER 3, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED", was on the 26th day of November 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 28th day of NOV, 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: DEC 06 2012

Public Law No. 31-247

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

Bill No. 388-31 (COR)
As substituted by the Committee on Health & Human Services,
Economic Development, Senior Citizens, and Election Reform.

Introduced by: D.G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
V. C. Pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW CHAPTER 10 TO DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING THE ISOLATION AND QUARANTINE REGULATIONS TO PREVENT THE SPREAD OF COMMUNICABLE DISEASES, AS PROVIDED PURSUANT TO ARTICLE 3 OF CHAPTER 3, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that clearly defined procedures are required to help ensure the prevention of the spread of communicable diseases, as provided pursuant to §3309-Isolation and Quarantine:

Regulations, of Article 3, Chapter 3, Division 1, Title 10, Guam Code Annotated. The recent threat and spread of SARS and Bird Flu (H5N1) in Southeast Asia, the H1N1 Influenza Pandemic and multi-drug resistant tuberculosis without a doubt demonstrates the need, in the event of future outbreaks of these, as well as other dangerous communicable diseases which are common to the region.

I Liheslaturan Guåhan further finds that with respect to Guam being a major travel hub and destination for travelers from Asia, there is an increased likelihood that the people of Guam will again be exposed to future threats, and that we must, to the extent possible, take measures to protect ourselves by enacting sound policies and procedures to carry out isolation and quarantine orders. *I Liheslaturan Guåhan* takes due note that the proposed procedures to be adopted pursuant to this Act were developed by a team of Department of Public Health and Social Services staff.

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

Section 2. Adoption of Rules. Notwithstanding any other provision of law, rule, regulation and Executive Order, the Department of Public Health and Social Services regulations for "Procedures for Isolation and Quarantine" for the prevention of the spread of communicable diseases, and attached hereto as Exhibit A, are hereby adopted by *I Mina'Trentai Unu Na Liheslaturan Guåhan,* and *shall* be codified under a *new* Chapter 10 - Procedures for Isolation and Quarantine, of Division 1, Title 26, Guam Administrative Rules and Regulations.

Section 3. Amendment of Rules. The Department of Public Health and Social Services *shall*, at a minimum of every five (5) years, and pursuant to Article 3 - Rule

Making Procedures, of Chapter 9, Title 5, Guam Code Annotated, review and amend, as necessary, the procedures adopted pursuant to Section 2 of this Act.

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

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

Exhibit "A"

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GUAM

Isolation and Quarantine Regulations
Public Law: 22-130

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I. Introduction:

A. This Regulation outlines the procedures by which the Department of Public Health and Social Services (DPHSS) may initiate and enforce the isolation or quarantine of people who have been exposed to a potentially communicable condition. It outlines DPHSS actions necessary to obtain voluntary isolation or quarantine, involuntary emergency isolation or quarantine, and petitioning the Superior Court of Guam to obtain a judicial order for an individual or group of people to be involuntarily isolated or quarantined.

B. The diagram at Section I, Attachment 1 provides a visual of the processes to be used when the DPHSS Director believes that isolation or quarantine 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 isolation or quarantine.

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

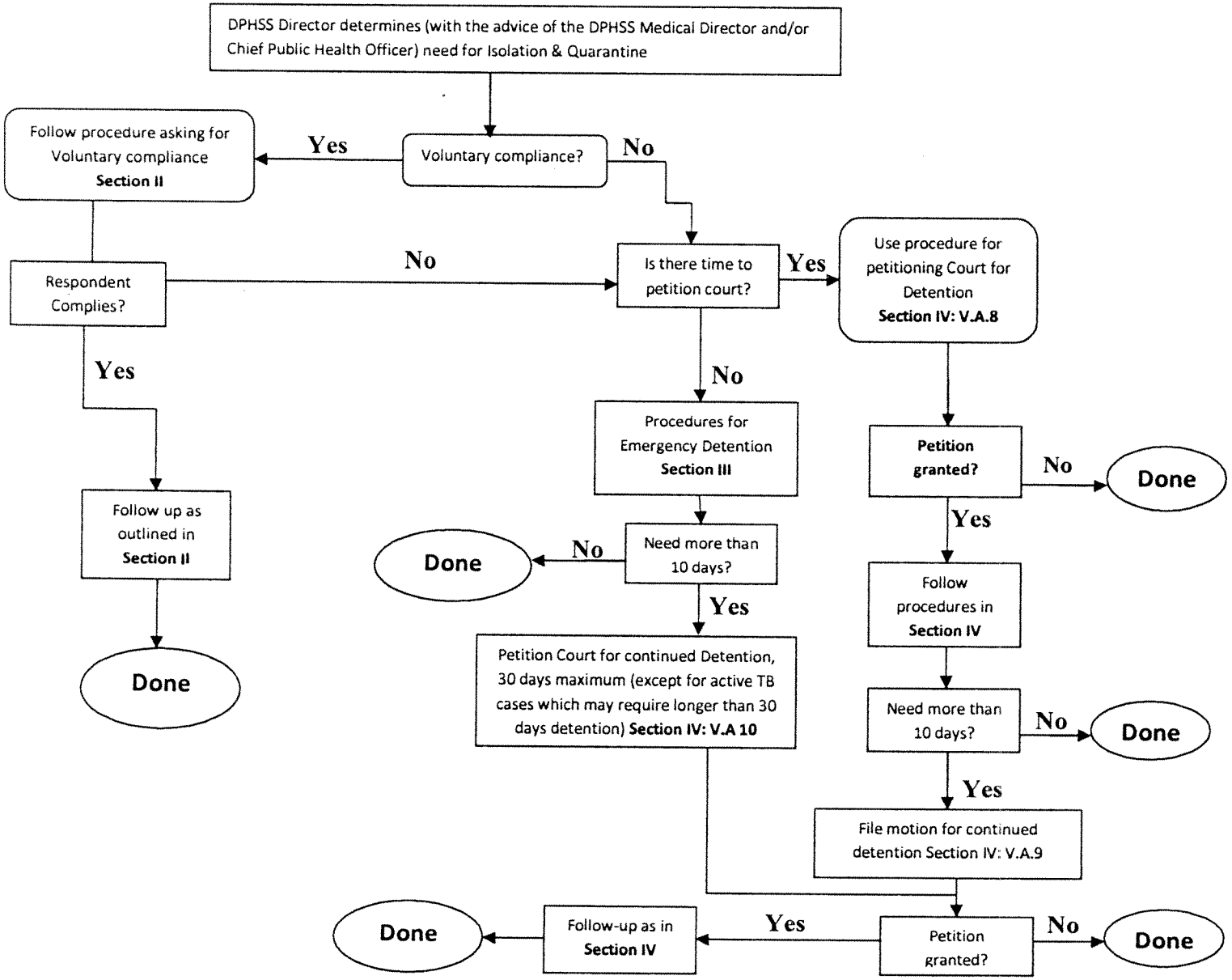
E. Assumptions:
1. If wide-scale isolation and quarantine is needed the DPHSS Director, Medical Director and/or Chief Public Health Officer will assess the need to declare a Public Health Emergency.
2. An Incident Command System will be implemented to provide adequate staff to meet the needs of this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

Approved:

Director, DPHSS

Attachments
1. Isolation and Quarantine 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 DPHSS Director has determined that the risk necessitates going directly to an Emergency Detention Order or Petition for Judicial Detention. See procedure "Requesting Voluntary Isolation or Quarantine" in Section II.

Use the "Voluntary Isolation or Quarantine Letter" and "Voluntary Isolation or Quarantine 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 or Quarantine 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 DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public Health Officer can either (1) proceed with an Emergency Detention Order, use the "Involuntary Order" folder; or (2) petition the Superior Court of Guam for a judicial order of detention, use the "Judicial Detention when Voluntary Isolation or Quarantine Refused" folder.

Emergency Detention Order:
If the DPHSS Director decides to proceed with an Emergency Detention Order, use the DPHSS Director's "Emergency Detention Order procedure, the guidance is contained in Section III.

Petition for Judicial Detention:
If the DPHSS Director under the advice of the DPHSS Medical Director and/or Chief Public Health Officer decides to petition the Superior Court of Guam 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 DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public Health Officer determines that more than ten (10) days of isolation or quarantine are needed, application to the Superior Court of Guam can be made for an additional 30 day period (except for active TB cases which may require longer than 30 days detention). 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 DPHSS Director; 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 of Guam, 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 DPHSS Director's Options for Initiating Isolation or Quarantine under the P.L:22-130 with the advice of the DPHSS Medical Director and/or Chief Public Health 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:
The Director is confident that the quarantined individual will comply **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. 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.	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.	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). **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.

DPHSS Isolation and Quarantine Regulations, Section I, Attachment 3

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 DPHSS Director's Order and Court Order described above are valid for a maximum of ten days isolation or quarantine. If the Director needs to extend the isolation or quarantine beyond ten days, only the Superior Court of Guam may order an extension for up to thirty days (except for active TB cases which may require longer than 30 days detention). If the individual is voluntarily complying, then the DPHSS Director may request the individual to continue in isolation/quarantine on a voluntary basis without seeking an order from the Court. There is **no** DPHSS Director's Order extending an involuntary isolation or quarantine in P.L:22-130.

PROCEDURE: REQUESTING VOLUNTARY ISOLATION OR QUARANTINE P.L:22-130

EFFECTIVE:

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 Department of Public Health and Social Services (DPHSS) Medical Director and/or Chief Public 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 DPHSS 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 within the jurisdiction of the health department.

B. Upon the advice of the DPHSS Medical Director and/or Chief Public Health Officer, the DPHSS 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 of Guam *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 OR QUARANTINE

A. Voluntary Isolation or Quarantine should always be used as a first option UNLESS the DPHSS Director under the medical advice of the DPHSS Medical Director and/or Chief Public Health 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

Section II. Procedure for Requesting Voluntary Isolation

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 or quarantine and immediate action is believed to be needed, see Section III, Procedure: **"EMERGENCY DETENTION ORDER."**

IV. PROCEDURE FOR VOLUNTARY ISOLATION OR QUARANTINE:

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, inspection and closure of facilities, and to avoid travel by commercial air or commercial sea conveyance. If needed, seek interpreter services.
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 DPHSS's legal counsel; seek interpreter services, as appropriate.
6. Hand deliver letter and acknowledgment of voluntary isolation or quarantine form to person or persons.
7. Document date and time letter was delivered to person or persons in isolation or quarantine. Also document whether or not person signed the acknowledgment of voluntary isolation or quarantine form found **in Attachment 2, Section II.**
8. Maintain copy of letter(s) and acknowledgment of voluntary isolation or quarantine 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 or quarantine.
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 Attorney General's Office of the Prosecuting Attorney of voluntary isolation or quarantine.
14. Flag any and all irregularities for supervisory action and follow up.
15. **IF REPEATED ATTEMPTS TO LOCATE PERSON OR PERSONS ARE UNSUCCESSFUL, SEEK DECISION BY DPHSS DIRECTOR ON ISSUING AN EMERGENCY DETENTION ORDER [maximum 10 days] AND/OR TO PETITION THE SUPERIOR COURT OF GUAM FOR INVOLUNTARY DETENTION [maximum 30 days, except for active TB cases which may require longer that 30 days detention].**
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 OR QUARANTINE

A. There are a number of circumstances under which a person or persons may be released from voluntary isolation or quarantine.

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 or quarantine.

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

1. Initiate direct contact with person or persons to be released from voluntary isolation or quarantine.
2. Issue a written statement that they are released from voluntarily isolation or quarantine 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 or quarantine.

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, DPHSS

Attachments:

1. Voluntary Isolation or Quarantine Letter
2. Acknowledgement of Voluntary Isolation or Quarantine
3. Release from Voluntary Isolation or Quarantine

Attachment 1, Section II, Procedure for Requesting Voluntary Isolation or Quarantine

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 Department of Public Health and Social Services (DPHSS) requests that you stay home from work, school, child care, other public areas, and to avoid travel by air and sea 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 also access information at the DPHSS website, www.dphss.guam.gov or the Centers for Disease Control and Preventions website at www.cdc.gov.

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, DPHSS

Attachment 2, Section II, Procedure for Requesting Voluntary Isolation or Quarantine

VOLUNTARY ISOLATION OR QUARANTINE ACKNOWLEDGMENT

On,_____, 20__, I received a written notice from the Department of Public Health and Social Services (DPHSS) indicating that the Director with the advice of the Medical Director and/or Chief Public Health Officer of the DPHSS requests my voluntary isolation and/or quarantine 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 DPHSS 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 department at (671) 735-7201 or 735-3062 or 735- 7142.**

DATED this_____ day of, 20_____

_____
[Sign name]

_____
[Print name]

_____
[Date of birth]

_____
[Social security number]

Attachment 3, Section II, Procedure for Requesting Voluntary Isolation or Quarantine

COMPLETION OF ISOLATION OR QUARANTINE CLEARANCE FORM

Date _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Department of Public Health and Social Services (DPHSS) 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.

DPHSS requested isolation and/or quarantine based on the isolation and quarantine principles and conditions contained in P.L. ????. 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 DPHSS at 735- 7102, 735-3602 or 735-7142 if you have questions about this letter or about _____.

Sincerely,

Director, DPHSS

Section III. Procedure for Executing an Emergency Detention Order

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 Department of Public Health and Social Services Medical Director and/or Chief Public 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 DPHSS 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 DPHSS Medical Director and/or Chief Public Health 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 of Guam *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 DPHSS Director or his or her designee must FIRST answer and document responses to the questions contained in Section III, Attachment 1.

Section III. Procedure for Executing an Emergency Detention Order

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 DPHSS Director orders the immediate *in*voluntary 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 of Guam 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 of Guam 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, inspection and closure of facilities, and to avoid travel by commercial air or commercial sea conveyance 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 Supervisor will notify relevant law enforcement and the Office of the Prosecuting Attorney of intentions to issue "Emergency Detention Order" for specific person or person(s).

Section III. Procedure for Executing an Emergency Detention Order

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. The DPHSS in coordination with the Guam Memorial Hospital Authority, private health care providers, and/or with guidance from the Centers for Disease Control and Prevention (CDC) will assess the need to declare a Public Health Emergency.
2. The DPHSS Director determines the need to activate the incident command structure for DPHSS including augmenting regular communicable disease staff to perform isolation and quarantine monitoring and follow up.
3. The DPHSS leadership coordinates between the Department, appropriate law enforcement, and local elected officials for the appropriate jurisdiction(s).

Section III. Procedure for Executing an Emergency Detention Order

4. The DPHSS in coordination with the CDC, Division of Global Migration and Quarantine to assess the need for commercial air travel restriction.
5. The DPHSS, Bureau of Communicable Disease Control to coordinate with Guam Customs and Quarantine Agency, private airline partners, and other GovGuam partners to prevent travel while a federal Do Not Board Order is being processed with CDC's Division of Global Migration and Quarantine and the Honolulu Quarantine Station.

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 Superior Court of Guam has granted the person or persons' request for relief from the Emergency Detention Order.
5. If the Emergency Detention Order has expired, and the DPHSS Director desires to continue detention by petitioning the Superior Court of Guam for Involuntary Detention, see Procedure "PETITIONING THE SUPERIOR COURT OF GUAM 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

Attachment 1. Section III. Procedure for Executing an Emergency Detention Order

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

Attachment 2, Section III, Procedure for Executing an Emergency Detention Order

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: _____

Attachment 2, Section III, Procedure for Executing an Emergency Detention Order

EMERGENCY INVOLUNTARY DETENTION ORDER

Under authority of Public Law 22-130; chapter 3: I, _____, the Director for the Department of Public Health and Social Services (DPHSS), 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 DPHSS Medical Director and/or Chief Public Health 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
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

Attachment 3, Section III, Procedure for Executing an Emergency Detention Order

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 Department of Public Health and Social Services (DPHSS) 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 DPHSS requested isolation based on the isolation and quarantine principles contained in P.L. ???? 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 DPHSS at 735-3602,735-7152 or735-7102.

Director, DPHSS

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

PROCEDURE: PETITIONING THE SUPERIOR COURT OF GUAM 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 Department of Public Health and Social Services (DPHSS) Medical Director and/or Chief Public HealthOfficer, 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 DPHSS Director, 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 within the jurisdiction of the health department.

B. In accordance with P.L 22-130, the DPHSS Director , or his or her designee, upon the professional advice of the DPHSS Medical Director and/or Chief Public Health 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 of Guam *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 DPHSS Director, or his or her designee, must FIRST complete Section IV, Procedure for Petitioning

Section IV, Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

the Superior Court of Guam 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 OF GUAM:

A. The DPHSS 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 DPHSS Director may elect to Petition the Superior Court of Guam *ex parte.*

V. PROCEDURE FOR PETITIONING THE SUPERIOR COURT OF GUAM:

A. If the DPHSS Director elects to petition the Superior Court of Guam 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 of Guam 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. Chief of Police] of intentions to petition the Superior Court of Guam for Involuntary Detention for specific person or person(s).

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

5. **Initial Petition for 10-day Involuntary Detention (except for active TB cases which may require longer than 30 days detention).** Isolation and Quarantine staff will prepare the necessary legal documents, if needed, help can be provided by DPHSS' 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 DPHSS Director 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 Superior Court of Guam 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 Superior Court of Guam (except for active TB cases which may require longer than 30 days detention). Prepare the necessary legal documents (If needed, help can be provided by DPHSS' 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 DPHSS Director 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 Superior Court of Guam'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 Superior Court of Guam to issue if the involuntary isolation/quarantine is approved. The Order is found in **Attachment 10, Section IV.**
7. **Extension of Emergency Detention.** If DPHSS has not petitioned the Superior Court of Guam before, a different set of forms must be used. A 10-day Emergency Detention Order can be extended up to 30 days (except for active TB cases which may require longer than 30 days detention) by petitioning the Superior Court of Guam. Prepare the necessary legal

documents, if needed help can be provided by DPHSS' 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 DPHSS Director 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 Superior Court of Guam'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 Superior Court of Guam 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 which may require longer than 30 days detention).** 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 Superior Court of Guam. Prepare the necessary legal documents according to the procedure described in subsection 6 of this section (if needed, help can be provided by DPHSS' 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 in the Isolation and Quarantine File.
11. Maintain copy of Petition and supporting documents for files.
12. OPA office to notify DPHSS 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 the Superior Court of Guam."

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 of Guam 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).

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

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 of Guam 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 of Guam, 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.

Section IV. Procedure for Petitioning the Superior Court of Guam for 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, DPHSS

Attachments:

1. Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order
2. Petition for ordering Involuntary Detention'
3. DPHSS Director Declaration in Support of Petition
4. Confidential Schedule
5. Summons
6. Order for Involuntary Detention
7. Motion for Continued Involuntary Detention
8. DPHSS Director 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. DPHSS Director Declaration for Continued Detention
14. Confidential Schedule for Continued Detention
15. Summons for Continued Detention
16. Order for Involuntary Continued Detention

Attachment 1, Section IV, Questions to ask

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: _____

Attachment 2, Section IV. Petition

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule) Respondents	PETITION FOR EX PARTE ORDER AUTHORIZING INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE WHEN VOLUNTARY ISOLATION OR QUARANTINE REFUSED

COMES NOW _____, Director of the Department of Public Health and Social

Services, Guam, by and through his/her attorney, _____, and petitions this court for an order *ex parte* authorizing involuntary detention for isolation or quarantine . 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 and 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 the Department of Public Health and Social Services (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

Attachment 2, Section IV, Petition

b. The DPHSS Director 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 the DPHSS 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 the identity 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

Attachment 3. Section IV. Declaration

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 ISOLATION OR QUARANTINE

_____ declares:

1. I am the Director of the Department of Public Health and 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

Attachment 3, Section IV, Declaration

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

Attachment 4, Section IV, Confidential Schedule

CONFIDENTIAL SCHEDULE

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

Protected under the Health Care Information Act, HIPPA

Name(s)	Address	Identity in Pleadings

Location of Detention

Attachment 5, Section IV, Summons

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

Attachment 6, Section IV, Order

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	ORDER (EX PARTE) AUTHORIZING INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE WHEN VOLUNTARY ISOLATION OR QUARANTINE REFUSED
Respondents	
_____	

THIS MATTER having come before the Court on the Petition for an Ex Parte Order Authorizing

Involuntary Detention for Isolation or Quarantine When Voluntary Isolation or Quarantine Refused filed by _____, Director for the Department of Public Health and Social Services (DPHSS), 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

Attachment 6. Section IV. Order

2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine as necessary to protect the public health, safety and welfare at the location specified on the Confidential Schedule from_____, 20__ at ___ o'clock AM/PM to from_____, 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

License number:

EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

Attachment 7. Section IV. Motion for Continued 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 ISOLATION OR QUARANTINE

COMES NOW _____, Director for the Department of Public Health and Social

Services, by and through his/her attorney, _____and asks this court for an order authorizing extension of the period for involuntary detention for isolation or quarantine . On _____, the court issued an, ex parte order authorizing involuntary detention for isolation or quarantine based on the petition submitted by _____ the Director. The order issued on _____ authorized involuntary detention for isolation or quarantine 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 isolation or quarantine 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

Attachment 8, Section IV, Declaration in Support of Continued 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 ISOLATION OR QUARANTINE OR

_____ 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

Attachment 8, Section IV, Declaration in Support of Continued Detention

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 30 additional days, except for active TB cases which may require longer than 30 days detention) 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

Attachment 9. Section IV Confidential Schedule for Motion for Continued Detention

CONFIDENTIAL SCHEDULE

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

Protected under the Health Care Information Act, HIPPA

Name(s)	**Address**	**Identity in Pleadings**

Location of Detention

MOTION FOR CONTINUATION OF
DETENTION

Territory of Guam

Superior Court of Guam

In Re: _____ (use identifiers per Confidential Schedule) Respondents	NO: _____ ORDER GRANTING MOTION FOR CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE OR

THIS MATTER came before the Court on the Motion for an Order Authorizing Continued Involuntary Detention for Isolation or Quarantine 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

Attachment 10. Section IV Order Granting Continued Involuntary Detention

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 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 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

Attachment 12, Section IV, Petition for Continued Detention

Territory of Guam

Superior Court of Guam

In Re:	NO: _____
_____ (use identifiers per Confidential Schedule) Respondents	PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE OR

COMES NOW _____, Director of the Department of Public Health and 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 isolation or quarantine . 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 and 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 the Department of Public Health and Social Services , issued an emergency order immediately involuntarily detaining the respondent(s) for isolation or quarantine under the authority P.L:22-130

b. The emergency order issued on _____, 20___, authorized the involuntary detention for isolation or quarantine 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

c. The Director of the Department of Public Health and Social Services 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 isolated or quarantined 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 of Public Health and Social Services 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

Territory of Guam

Superior Court of Guam

In Re: _____ (use identifiers per Confidential Schedule) Respondents	NO: _____ PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE

_____ 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 isolated or quarantined.
6. The medical basis justifying detention for isolation or quarantine is:

DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

7. The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent is _____ (not to exceed 30 days, except for active TB cases which may require longer than 30 days detention).

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 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

Attachment 14, Section IV, Confidential Schedule

CONFIDENTIAL SCHEDULE

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

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

Attachment 15, Section IV—Summons

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(?REFERENCE).

DATED this _____ day of_____, 20___.

_____

Attorney's Name
Attorney for DPHSS, GUAM

Territory of Guam

Superior Court of Guam

In Re: _____ (use identifiers per Confidential Schedule) Respondents	**NO:** _____ ORDER GRANTING PETITION FOR CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE

THIS MATTER came before the Court on the Petition for Order Authorizing Continued Involuntary Detention for Isolation or Quarantine 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 isolation or quarantine 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 ISOLATION OR QUARANTINE

1.4 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.

1.5 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 P.L:22-130; chapter 3.

Based on the above findings, IT IS ORDERED:

2.1 The petition is granted and respondent(s) shall continue to be detained for isolation or quarantine as 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 ____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

License #

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR ISOLATION OR QUARANTINE

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 11/26/12

VOTING SHEET

SBill No. 388-31(COR)

Resolution No. _____

Question: _____

_____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.					EA
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				
TOTAL	13	0	0	0	2

CERTIFIED TRUE AND CORRECT:

Patricia C. Santos

Clerk of the Legislature

*3 Passes = No vote

EA = Excused Absence

Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

October 23, 2012

2012 OCT 24 PM 1:23

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Unu Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 388-31(COR), as Substituted

Dear Speaker Won Pat:

Transmitted herewith, for your consideration, is the **Committee Report** on **BILL NO. 388-31 (COR): 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.** Bill No. 388-31 (COR) was referred to the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform. Bill No. 388-31(COR), as introduced, was publicly heard on February 9, 2012.

Committee votes are as follows:

6 **TO PASS**
____ **NOT TO PASS**
____ **ABSTAIN**
2 **TO REPORT OUT ONLY**
____ **TO PLACE IN INACTIVE FILE**

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments

176 Serenu Avenue Suite 107 Tamuning, Guam 96931
Telephone: 671.649.8638 Email: senatordrodriguez@gmail.com

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT
ON
Bill 388-31 (COR)

as Substituted

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.

176 Serenu Avenue Suite 107 Tamuning, Guam 96931
Telephone: 671.649.8638 Email: senatordrodriguez@gmail.com

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

October 22, 2012

MEMORANDUM

To: **ALL MEMBERS**
Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform.

From: **Senator Dennis G. Rodriguez, Jr.**
Committee Chairperson

Subject: **Committee Report on Bill No. 388-31(COR), as Substituted.**

Transmitted herewith, for your consideration, is the **Committee Report** on **BILL NO. 388-31 (COR): 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.** Sponsored by Senator Dennis G. Rodriguez, Jr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 388-31 (COR)
- Copy of Substitute Bill No. 388-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 388-31 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Attachments

176 Serenu Avenue Suite 107 Tamuning, Guam 96931
Telephone: 671.649.8638 Email: senatordrodriguez@gmail.com

Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE VOTING SHEET

Substitute BILL NO. 388-31 (COR): 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.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓				
ADOLPHO B. PALACIOS, Sr. Vice Chairman		10/23/12				
JUDITH T. WON PAT, Ed.D. Speaker		✓ 10/23/12				
BENJAMIN J. F. CRUZ Vice-Speaker		✓ 10/23/12				
TINA ROSE MUÑA BARNES Legislative Secretary						
THOMAS C. ADA					✓ Oct 23, '12	
VICENTE C. PANGELINAN						
RORY J. RESPICIO		10/23/12				
JUDITH P. GUTHERTZ, DPA						
FRANK F. BLAS, Jr.						
V. ANTHONY ADA		✓ 10/23/12				
ALINE A. YAMASHITA, Ph.D.					Oct. 23, 2012	
SAM MABINI, Ph.D.						
MANA SILVA TAIJERON						
CHRISTOPHER M. DUENAS						

176 Serenu Avenue Suite 107 Tamuning, Guam 96931
Telephone: 671.649.8638 Email: senatordrodriguez@gmail.com

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT DIGEST

Bill No. 388-31(COR), as Substituted

I. **OVERVIEW: The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform conducted a public hearing on February 9, 2012.** The hearing convened at 2:00PM in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **BILL NO. 388-31(COR)- 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;;** Sponsored by Senator Dennis Rodriguez, Jr.

Public Notice Requirements
Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on February 1, 2012 (5-day notice), and again on February 7, 2012 (48-hour notice).

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator Adolpho B. Palacios, Sr.	Vice-Chairman
Senator Vicente 'Ben' Pangelinan	Committee Member
Senator V. Anthony Ada	Committee Member
Senator Sam Mabini, Ph.D.	Committee Member
Senator Thomas C. Ada	Committee Member
Senator Mana Silva Taijeron	Committee Member
Senator Judith P. Guthertz, DPA	Committee Member
Senator Aline A. Yamashita, Ph.D.	Committee Member

The public hearing on agenda item Bill No. 388-31(COR) was called to order.

II. SUMMARY OF TESTIMONY & DISCUSSION.

Chairman Dennis G. Rodriguez, Jr., convened the Public Hearing on Bill 388-31(COR).

Senator Rodriguez: Just a brief background. This was given at the request of DPHSS. This is the administrative rules and regulations pursuant to existing public law mandates that we adopt these. Considering all the diseases that are emerging, this is something I feel needs to be addressed. I'll turn it over to you to give a brief background of why this is needed. Thank you, Josie.

Josie O'Mallan: read written testimony from DPHSS Director Jim Gillan.

Senator Rodriguez: There is a part here where the department can petition the Superior Court when an individual does not want to comply with isolation orders. Can you explain that and can you also explain if this is something, the template was it taken from federal counterparts?

Josie O'Mallan: It was actually taken from the Honolulu County and reviewed with medical assistance from the medical officer of the Honolulu quarantine station and technical assistance from the CDC in Atlanta. What it is, as far as going to petition the court in the event that someone is refusing. the preferred way is to get someone to voluntarily be isolated or quarantined depending on what the disease is. Like totally resistant TB, it allows the director to isolate someone for 10 days, but beyond that to then proceed to petition the court. In cases of TB, it requires longer isolation measures or just for a person to avoid contact during the infectious time. The regulations would at least provide those guidelines as far as what measures we can take so that we protect the health of the community.

Jim Gillan: You have the comparisons in blue and then everything after it is cleaned up. From my personal standpoint, I think is kind of tamed. We are guaranteeing a lot of individual rights which I think is important, but some of these diseases that we are going to be seeing don't require us to be too nice. We are going to have to put some people away or isolate them because some of those strains that we're seeing and some of them can kill thousands of people in a very short period of time. If you saw that movie Contagion, a lot of people ask, can that really happen? Yes, it really can. There are things out there that keep me awake at night. At least this a good start. We still kind of guarantee people their individual rights and we give them access to adequate recourse to have their case heard in court. There will be some cases coming, hopefully after my time. We are really going to have some difficult cases that we need to be concerned with the good of the community and the individual. Those are hard choices, but this is a start.

Senator Rodriguez: Jim, before this is adopted, before this kicks in and you can act based on the authority of these rules and regulations you would have to get the professional advice of your medical or public health medical director, Dr. Matthews, is that right? What would be, if you could give a scenario, what would trigger her to request for you to declare these procedures be implemented?

Jim GIllan: That would obviously depend on laboratory results. We have to spend some resource son beefing up our labs because we are sending samples off island and sometimes that takes a long time to get a positive identification. Sometimes we can rely on the CDC for people who are symptomatic to diagnose these diseases. Even now there is an implied police power in the health law that even if this law weren't passed we could still isolate and quarantine people if we thought there was a public health concern, but we would really like to make sure we know what we have before we start implementing those kind of things, so I encourage you think and talk with us to see what we can do to get our laboratory back to the level where it was 15-20 years ago. We should be at least a level 2 laboratory, but we are a level 1 with some level 2 capabilities, but the money is well worth spent and it could be a regional resource also, quicker results for the region.

Senator Rodriguez: If some of these diseases are brought in, what would the steps be if a plane full of passengers lands in the air port and we have to implement these procedures? What is the protocol now?

Josie O'Mallan: We would contact Honolulu quarantine because we fall under their jurisdiction and describe what exactly is occurring and get guidance because there are quarantined diseases so we would seek guidance from that. We would work closely with the customs and quarantine agency. They are our partners in alerting us of an ill passenger if there are symptoms that are suspicious. We will consult with Dr. Matthews. We have a plan in place of how we would manage that. We would reach out the CDC and Honolulu is the quarantine station we fall under so we would contact them. They are reachable 24/7 so a lot of our guidance would be provided to us if the need occur based on what is going on worldwide.

Jim Gillan: We need to work with the airport to establish an isolation area. At the airport an isolation/quarantine area is not available right now, most international airports do and we have to work for that down the line and the airport authority recognize that.

Senator Rodriguez: That was my follow up question. Is there collaboration with other agencies, the airport being one, because that's one thing we want to prevent? Do we have the facilities and you answered that question that we don't. Was there some sort of collaboration with other agencies?

Josie O'Mallan: The committee that initially worked on this during H1N1 was comprised of DPHSS so no there was not a committee comprised of the Customs and Quarantine Agency, though they are our partners. They would turn to us as far as what to do and seek the guidance from public health, but this is definitely, as far as the regulations are concerned we would share with them our arm out there.

Senator Rodriguez: That is something that we have to work with them, but before that happens, is there some sort of collaboration you have with the National Guard that may have the capability of setting up an emergency quarantine?

Jim Gillan: We have a series of exercises that we do mass casualties' scenarios so it would be fairly easy on a table top to do some of these scenarios. If we could rely on them through some MOUs to really step up when we recognize a mass need.

Senator Rodriguez: If we are going to move this forward and adopt this all these initiatives and efforts must go in as well so we cover all our bases.

Josie O'Mallan: I know that in past table top exercises that there was also all those partners at the table. We definitely work closely with Homeland Security, Office of Civil Defense and they would be the lead in any emergency and we would give the support. So that collaboration and partnership has been established through the years in regards of all our efforts with SARS and H1N1. So we have those established relationships.

Senator Ada: You've touched on the need for isolation or a quarantine facility if it is detected at the airport at that port of entry. But if it detected inland at the hospital or public health facility, is that an issue that needs to be resolved then.

Jim Gillan: At our central facility, there is an area where we treat TB cases actively, if it were a small enough number we could do that there, but it is not a very comfortable situation. There are some isolation rooms at the southern

health center that just had extensive renovation, but we don't have any real size comfortable facilitates that are workable quarantine facilities.

Senator Ada: I guess the work that needs to be done to detect the disease for an individual, is that something that could be done at their point of origin with some kind of coordination?

Jim Gillan: If it's endemic, you are going to know about where the problem is in a certain area and you will be watching those coming from that certain area and if they are symptomatic on the flight at all then we would know there is already suspicion, but sometimes they don't show up until they arrive, so it is a little difficult to be prepared 100%.

Senator Mabini: I'm curious about the resulting projecting cost, whether it's indirect or direct that you put together. For instance, I know we talked about the airport, but we have our port where our ships come in and with the potential influx of tourist coming in from countries that we are not sure what issues they might have, it's those kind of questions of anticipated costs, training costs, indirect and direct cost of how that is going to affect what you actually do in business now. Maybe new equipment or personnel also, have you worked on some projected cost analysis?

Jim Gillan: We have some and some funding for the next couple years through our public health emergency preparedness grant which can deal with this kind of scenario, but when you're talking about building facilities and staffing up to 24/7 surveillance, that is going to be cost that we are going to have to come to you for or use some of the landing fees. We are going to have to be creative with how we do it.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No. 388-31(COR). The committee would continue to accept written testimony for a period of ten (10) days subsequent to the public hearing.

Fiscal Note: .

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform, hereby **reports out Bill No. 388-31(COR), as Substituted** with the recommendation to report out only.

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

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

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

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

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

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

Section 5. Effective Date. This Act shall become immediately effective 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

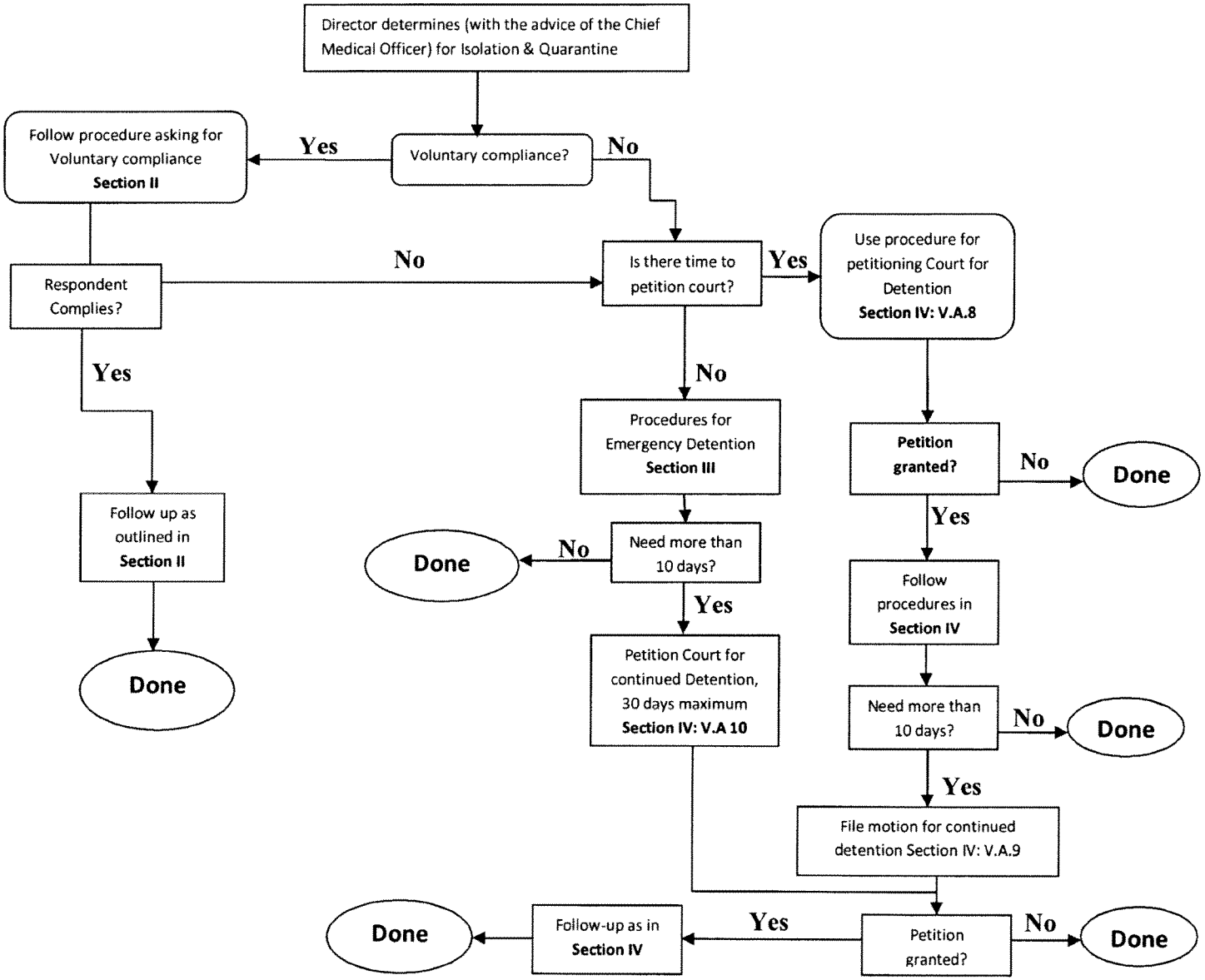
E. Assumptions:
1. If wide-scale isolation and quarantine is needed the Chief Medical Officer will assess the need to declare a Public Health Emergency.
2. An Incident Command System will be implemented to provide adequate staff to meet the needs of this Plan and Process

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:
The Director is confident that the quarantined individual will comply **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. 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.	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	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). **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.

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 *in*voluntary 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 or735-7102.

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: _____

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.

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 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

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

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

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule) Respondents	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

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

2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine as necessary to protect the public health, safety and welfare at the location specified on the Confidential Schedule from_____, 20__ at ___ o'clock AM/PM to from_____, 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
License number:

EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	MOTION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR QUARANTINE OR ISOLATION
Respondents	

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

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

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

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

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

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

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

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

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

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

1.4 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.

1.5 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 P.L:22-130; chapter 3.

Based on the above findings, IT IS ORDERED:

2.1 The petition is granted and respondent(s) shall continue to be detained for isolation or quarantine as 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 ____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

License #

ORDER GRANTING PETITION FOR CONTINUED INVOLUNTARY DETENTION FOR QUARANTINE OR ISOLATION

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 388-31 (COR), as Substituted
Committee on Health & Human Services,
Economic Development, Senior Citizens, and
Election Reform

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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

I Liheslaturan Guåhan further finds that with respect to Guam being a major travel hub and destination for travelers from Asia, there is an increased likelihood that the people of Guam will again be exposed to future threats, and that we must,

to the extent possible, take measures to protect ourselves by enacting sound policies and procedures to carry out isolation and quarantine orders. *I Liheslaturan Guåhan* takes due note that the proposed procedures to be adopted pursuant to this Act were developed by a team of Department of Public Health and Social Services staff.

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

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

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

Section 4. Severability. *If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Act which can be

given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

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

Exhibit "A"

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GUAM

Isolation and Quarantine Regulations
Public Law: 22-130

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I. Introduction:

A. This Regulation outlines the procedures by which the Department of Public Health and Social Services (DPHSS) may initiate and enforce the isolation or quarantine of people who have been exposed to a potentially communicable condition. It outlines DPHSS actions necessary to obtain voluntary isolation or quarantine, involuntary emergency isolation or quarantine, and petitioning the Superior Court of Guam to obtain a judicial order for an individual or group of people to be involuntarily isolated or quarantined.

B. The diagram at Section I, Attachment 1 provides a visual of the processes to be used when the DPHSS Director believes that isolation or quarantine 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 isolation or quarantine.

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

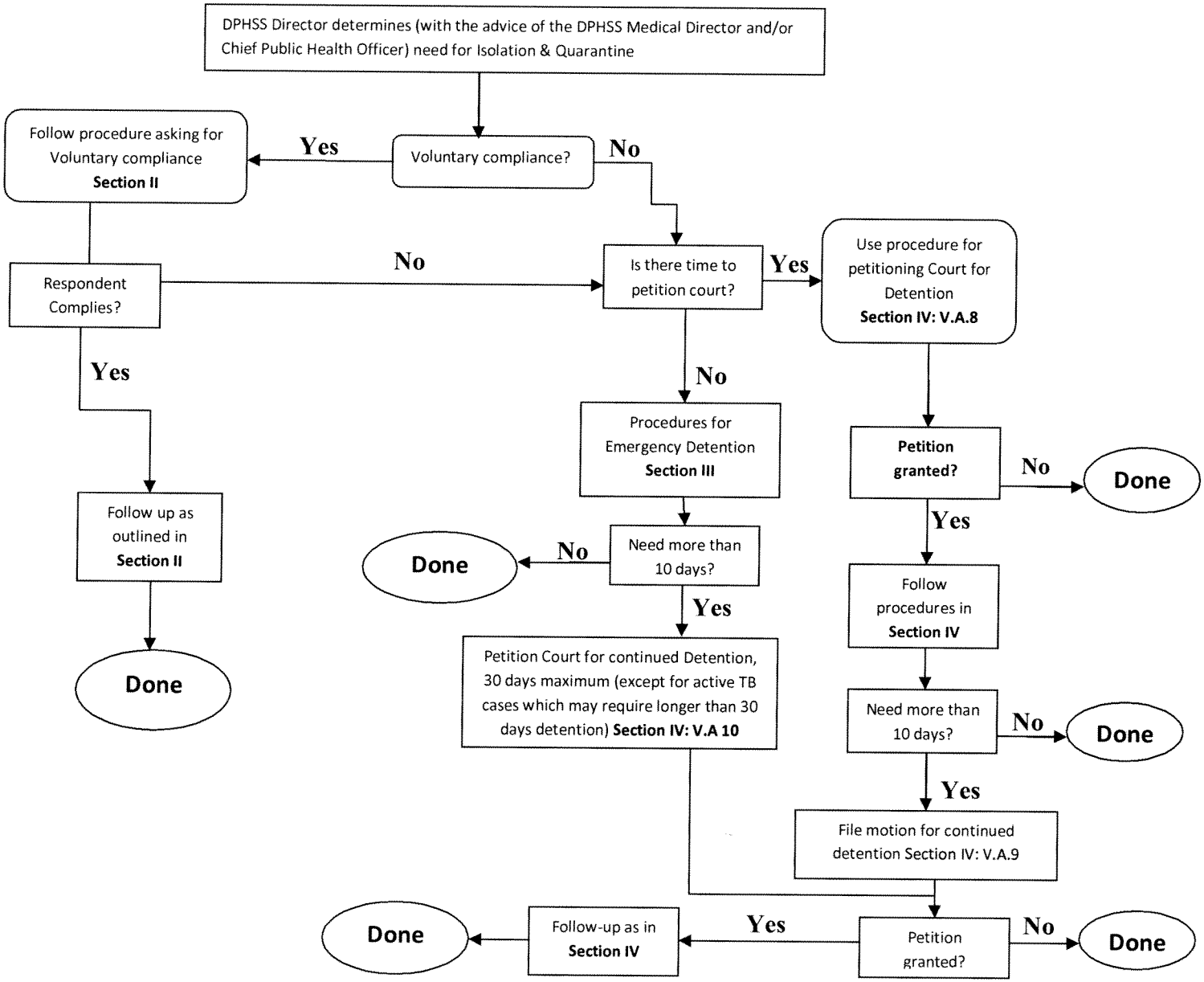
E. Assumptions:
1. If wide-scale isolation and quarantine is needed the DPHSS Director, Medical Director and/or Chief Public Health Officer will assess the need to declare a Public Health Emergency.
2. An Incident Command System will be implemented to provide adequate staff to meet the needs of this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

Approved:

Director, DPHSS

Attachments
1. Isolation and Quarantine 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 DPHSS Director has determined that the risk necessitates going directly to an Emergency Detention Order or Petition for Judicial Detention. See procedure "Requesting Voluntary Isolation or Quarantine" in Section II.

Use the "Voluntary Isolation or Quarantine Letter" and "Voluntary Isolation or Quarantine 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 or Quarantine 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 DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public Health Officer can either (1) proceed with an Emergency Detention Order, use the "Involuntary Order" folder; or (2) petition the Superior Court of Guam for a judicial order of detention, use the "Judicial Detention when Voluntary Isolation or Quarantine Refused" folder.

Emergency Detention Order:
If the DPHSS Director decides to proceed with an Emergency Detention Order, use the DPHSS Director's "Emergency Detention Order procedure, the guidance is contained in Section III.

Petition for Judicial Detention:
If the DPHSS Director under the advice of the DPHSS Medical Director and/or Chief Public Health Officer decides to petition the Superior Court of Guam 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 DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public Health Officer determines that more than ten (10) days of isolation or quarantine are needed, application to the Superior Court of Guam can be made for an additional 30 day period (except for active TB cases which may require longer than 30 days detention). 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 DPHSS Director; 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 of Guam, 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 DPHSS Director's Options for Initiating Isolation or Quarantine under the P.L:22-130 with the advice of the DPHSS Medical Director and/or Chief Public Health 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:
The Director is confident that the quarantined individual will comply **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. 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.	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.	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). **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.

DPHSS Isolation and Quarantine Regulations, Section I, Attachment 3

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 DPHSS Director's Order and Court Order described above are valid for a maximum of ten days isolation or quarantine. If the Director needs to extend the isolation or quarantine beyond ten days, only the Superior Court of Guam may order an extension for up to thirty days (except for active TB cases which may require longer than 30 days detention). If the individual is voluntarily complying, then the DPHSS Director may request the individual to continue in isolation/quarantine on a voluntary basis without seeking an order from the Court. There is **no** DPHSS Director's Order extending an involuntary isolation or quarantine in P.L:22-130.

PROCEDURE: REQUESTING VOLUNTARY ISOLATION OR QUARANTINE P.L:22-130

EFFECTIVE:

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 Department of Public Health and Social Services (DPHSS) Medical Director and/or Chief Public 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 DPHSS 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 within the jurisdiction of the health department.

B. Upon the advice of the DPHSS Medical Director and/or Chief Public Health Officer, the DPHSS 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 of Guam *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 OR QUARANTINE

A. Voluntary Isolation or Quarantine should always be used as a first option UNLESS the DPHSS Director under the medical advice of the DPHSS Medical Director and/or Chief Public Health 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

Section II. Procedure for Requesting Voluntary Isolation

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 or quarantine and immediate action is believed to be needed, see Section III, Procedure: **"EMERGENCY DETENTION ORDER."**

IV. PROCEDURE FOR VOLUNTARY ISOLATION OR QUARANTINE:

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, inspection and closure of facilities, and to avoid travel by commercial air or commercial sea conveyance. If needed, seek interpreter services.
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 DPHSS's legal counsel; seek interpreter services, as appropriate.
6. Hand deliver letter and acknowledgment of voluntary isolation or quarantine form to person or persons.
7. Document date and time letter was delivered to person or persons in isolation or quarantine. Also document whether or not person signed the acknowledgment of voluntary isolation or quarantine form found **in Attachment 2, Section II**.
8. Maintain copy of letter(s) and acknowledgment of voluntary isolation or quarantine 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 or quarantine.
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 Attorney General's Office of the Prosecuting Attorney of voluntary isolation or quarantine.
14. Flag any and all irregularities for supervisory action and follow up.
15. **IF REPEATED ATTEMPTS TO LOCATE PERSON OR PERSONS ARE UNSUCCESSFUL, SEEK DECISION BY DPHSS DIRECTOR ON ISSUING AN EMERGENCY DETENTION ORDER [maximum 10 days] AND/OR TO PETITION THE SUPERIOR COURT OF GUAM FOR INVOLUNTARY DETENTION [maximum 30 days, except for active TB cases which may require longer that 30 days detention].**
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 OR QUARANTINE

A. There are a number of circumstances under which a person or persons may be released from voluntary isolation or quarantine.

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 or quarantine.

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

1. Initiate direct contact with person or persons to be released from voluntary isolation or quarantine.
2. Issue a written statement that they are released from voluntarily isolation or quarantine 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 or quarantine.

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, DPHSS

Attachments:

1. Voluntary Isolation or Quarantine Letter
2. Acknowledgement of Voluntary Isolation or Quarantine
3. Release from Voluntary Isolation or Quarantine

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 Department of Public Health and Social Services (DPHSS) requests that you stay home from work, school, child care, other public areas, and to avoid travel by air and sea 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 also access information at the DPHSS website, www.dphss.guam.gov or the Centers for Disease Control and Preventions website at www.cdc.gov.

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, DPHSS

Attachment 2, Section II, Procedure for Requesting Voluntary Isolation or Quarantine

VOLUNTARY ISOLATION OR QUARANTINE ACKNOWLEDGMENT

On,_____, 20__, I received a written notice from the Department of Public Health and Social Services (DPHSS) indicating that the Director with the advice of the Medical Director and/or Chief Public Health Officer of the DPHSS requests my voluntary isolation and/or quarantine 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 DPHSS 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 department at (671) 735-7201 or 735-3062 or 735- 7142.**

DATED this_____ day of, 20_____

_____
[Sign name]

_____
[Print name]

_____
[Date of birth]

_____
[Social security number]

Attachment 3, Section II, Procedure for Requesting Voluntary Isolation or Quarantine

COMPLETION OF ISOLATION OR QUARANTINE CLEARANCE FORM

Date _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Department of Public Health and Social Services (DPHSS) 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.

DPHSS requested isolation and/or quarantine based on the isolation and quarantine principles and conditions contained in P.L. ????. 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 DPHSS at 735- 7102, 735-3602 or 735-7142 if you have questions about this letter or about _____.

Sincerely,

Director, DPHSS

Section III. Procedure for Executing an Emergency Detention Order

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 Department of Public Health and Social Services Medical Director and/or Chief Public 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 DPHSS 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 DPHSS Medical Director and/or Chief Public Health 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 of Guam *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 DPHSS Director or his or her designee must FIRST answer and document responses to the questions contained in Section III, Attachment 1.

Section III, Procedure for Executing an Emergency Detention Order

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 DPHSS Director orders the immediate *in*voluntary 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 of Guam 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 of Guam 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, inspection and closure of facilities, and to avoid travel by commercial air or commercial sea conveyance 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 Supervisor will notify relevant law enforcement and the Office of the Prosecuting Attorney of intentions to issue "Emergency Detention Order" for specific person or person(s).

Section III, Procedure for Executing an Emergency Detention Order

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. The DPHSS in coordination with the Guam Memorial Hospital Authority, private health care providers, and/or with guidance from the Centers for Disease Control and Prevention (CDC) will assess the need to declare a Public Health Emergency.
2. The DPHSS Director determines the need to activate the incident command structure for DPHSS including augmenting regular communicable disease staff to perform isolation and quarantine monitoring and follow up.
3. The DPHSS leadership coordinates between the Department, appropriate law enforcement, and local elected officials for the appropriate jurisdiction(s).

Section III. Procedure for Executing an Emergency Detention Order

4. The DPHSS in coordination with the CDC, Division of Global Migration and Quarantine to assess the need for commercial air travel restriction.
5. The DPHSS, Bureau of Communicable Disease Control to coordinate with Guam Customs and Quarantine Agency, private airline partners, and other GovGuam partners to prevent travel while a federal Do Not Board Order is being processed with CDC's Division of Global Migration and Quarantine and the Honolulu Quarantine Station.

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 Superior Court of Guam has granted the person or persons' request for relief from the Emergency Detention Order.
5. If the Emergency Detention Order has expired, and the DPHSS Director desires to continue detention by petitioning the Superior Court of Guam for Involuntary Detention, see Procedure "PETITIONING THE SUPERIOR COURT OF GUAM 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

Attachment 1, Section III, Procedure for Executing an Emergency Detention Order

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

Attachment 2, Section III, Procedure for Executing an Emergency Detention Order

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: _____

Attachment 2, Section III, Procedure for Executing an Emergency Detention Order

EMERGENCY INVOLUNTARY DETENTION ORDER

Under authority of Public Law 22-130; chapter 3: I, _____, the Director for the Department of Public Health and Social Services (DPHSS), 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 DPHSS Medical Director and/or Chief Public Health 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
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

Attachment 3, Section III, Procedure for Executing an Emergency Detention Order

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 Department of Public Health and Social Services (DPHSS) 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 DPHSS requested isolation based on the isolation and quarantine principles contained in P.L. ???? 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 DPHSS at 735-3602,735-7152 or735-7102.

Director, DPHSS

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

PROCEDURE: PETITIONING THE SUPERIOR COURT OF GUAM 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 Department of Public Health and Social Services (DPHSS) Medical Director and/or Chief Public HealthOfficer, 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 DPHSS Director, 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 within the jurisdiction of the health department.

B. In accordance with P.L 22-130, the DPHSS Director , or his or her designee, upon the professional advice of the DPHSS Medical Director and/or Chief Public Health 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 of Guam *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 DPHSS Director, or his or her designee, must FIRST complete Section IV, Procedure for Petitioning

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

the Superior Court of Guam 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 OF GUAM:

A. The DPHSS 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 DPHSS Director may elect to Petition the Superior Court of Guam *ex parte.*

V. PROCEDURE FOR PETITIONING THE SUPERIOR COURT OF GUAM:

A. If the DPHSS Director elects to petition the Superior Court of Guam 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 of Guam 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. Chief of Police] of intentions to petition the Superior Court of Guam for Involuntary Detention for specific person or person(s).

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

5. **Initial Petition for 10-day Involuntary Detention (except for active TB cases which may require longer than 30 days detention).** Isolation and Quarantine staff will prepare the necessary legal documents, if needed, help can be provided by DPHSS' 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 DPHSS Director 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 Superior Court of Guam 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 Superior Court of Guam (except for active TB cases which may require longer than 30 days detention). Prepare the necessary legal documents (If needed, help can be provided by DPHSS' 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 DPHSS Director 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 Superior Court of Guam'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 Superior Court of Guam to issue if the involuntary isolation/quarantine is approved. The Order is found in **Attachment 10, Section IV.**
7. **Extension of Emergency Detention.** If DPHSS has not petitioned the Superior Court of Guam before, a different set of forms must be used. A 10-day Emergency Detention Order can be extended up to 30 days (except for active TB cases which may require longer than 30 days detention) by petitioning the Superior Court of Guam. Prepare the necessary legal

documents, if needed help can be provided by DPHSS' 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 DPHSS Director 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 Superior Court of Guam'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 Superior Court of Guam 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 which may require longer than 30 days detention).** 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 Superior Court of Guam. Prepare the necessary legal documents according to the procedure described in subsection 6 of this section (if needed, help can be provided by DPHSS' 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 in the Isolation and Quarantine File.
11. Maintain copy of Petition and supporting documents for files.
12. OPA office to notify DPHSS 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 the Superior Court of Guam."

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 of Guam 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).

Section IV, Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

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 of Guam 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 of Guam, 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.

Section IV, Procedure for Petitioning the Superior Court of Guam for 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, DPHSS

Attachments:

1. Questions to ask prior to petitioning for an Involuntary Isolation/Quarantine Order
2. Petition for ordering Involuntary Detention'
3. DPHSS Director Declaration in Support of Petition
4. Confidential Schedule
5. Summons
6. Order for Involuntary Detention
7. Motion for Continued Involuntary Detention
8. DPHSS Director 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. DPHSS Director Declaration for Continued Detention
14. Confidential Schedule for Continued Detention
15. Summons for Continued Detention
16. Order for Involuntary Continued Detention

Attachment 1, Section IV, Questions to ask

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: _____

Attachment 2, Section IV, Petition

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 ISOLATION OR QUARANTINE WHEN VOLUNTARY ISOLATION OR QUARANTINE REFUSED

COMES NOW _____, Director of the Department of Public Health and Social

Services, Guam, by and through his/her attorney, _____, and petitions this court for an order *ex parte* authorizing involuntary detention for isolation or quarantine . 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 and 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 the Department of Public Health and Social Services (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

Attachment 2, Section IV, Petition

b. The DPHSS Director 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 the DPHSS 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 the identity 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

Attachment 3. Section IV. Declaration

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 ISOLATION OR QUARANTINE

_____ declares:

1. I am the Director of the Department of Public Health and 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

Attachment 3, Section IV, Declaration

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

Attachment 4, Section IV, Confidential Schedule

CONFIDENTIAL SCHEDULE

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

Protected under the Health Care Information Act, HIPPA

Name(s)	Address	Identity in Pleadings

Location of Detention

Attachment 5, Section IV, Summons

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

Attachment 6, Section IV, Order

Territory of Guam

Superior Court of Guam

In Re:

_____ (use identifiers per Confidential Schedule)
Respondents

NO: _____

ORDER (EX PARTE) AUTHORIZING INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE WHEN VOLUNTARY ISOLATION OR QUARANTINE REFUSED

THIS MATTER having come before the Court on the Petition for an Ex Parte Order Authorizing

Involuntary Detention for Isolation or Quarantine When Voluntary Isolation or Quarantine Refused filed by _____, Director for the Department of Public Health and Social Services (DPHSS), 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

Attachment 6. Section IV. Order

2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine as necessary to protect the public health, safety and welfare at the location specified on the Confidential Schedule from_____, 20__ at ___ o'clock AM/PM to from_____, 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

License number:

EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

Attachment 7, Section IV, Motion for Continued 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 ISOLATION OR QUARANTINE

COMES NOW _____, Director for the Department of Public Health and Social

Services, by and through his/her attorney, _____and asks this court for an order authorizing extension of the period for involuntary detention for isolation or quarantine . On _____, the court issued an, ex parte order authorizing involuntary detention for isolation or quarantine based on the petition submitted by _____ the Director. The order issued on _____ authorized involuntary detention for isolation or quarantine 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 isolation or quarantine 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

Attachment 8, Section IV, Declaration in Support of Continued 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 ISOLATION OR QUARANTINE OR

_____ 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

Attachment 8, Section IV, Declaration in Support of Continued Detention

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 30 additional days, except for active TB cases which may require longer than 30 days detention) 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 ISOLATION OR QUARANTINE

Protected under the Health Care Information Act, HIPPA

Name(s)	**Address**	**Identity in Pleadings**

Location of Detention

MOTION FOR CONTINUATION OF
DETENTION

Territory of Guam

Superior Court of Guam

In Re: _____ (use identifiers per Confidential Schedule) Respondents	**NO:** _____ ORDER GRANTING MOTION FOR CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE OR

THIS MATTER came before the Court on the Motion for an Order Authorizing Continued Involuntary Detention for Isolation or Quarantine 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

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 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 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

Attachment 12, Section IV, Petition for Continued Detention

Territory of Guam

Superior Court of Guam

In Re: _____ (use identifiers per Confidential Schedule) Respondents	**NO:** _____ PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE OR

COMES NOW _____, Director of the Department of Public Health and 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 isolation or quarantine . 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 and 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 the Department of Public Health and Social Services , issued an emergency order immediately involuntarily detaining the respondent(s) for isolation or quarantine under the authority P.L:22-130

b. The emergency order issued on _____, 20___, authorized the involuntary detention for isolation or quarantine 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

c. The Director of the Department of Public Health and Social Services 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 isolated or quarantined 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 of Public Health and Social Services 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

Territory of Guam

Superior Court of Guam

In Re: _____ (use identifiers per Confidential Schedule) Respondents	**NO:** _____ PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE

_____ 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 isolated or quarantined.
6. The medical basis justifying detention for isolation or quarantine is:

DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

7. The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent is _____ (not to exceed 30 days, except for active TB cases which may require longer than 30 days detention).

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 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

Attachment 14, Section IV, Confidential Schedule

CONFIDENTIAL SCHEDULE

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

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

Attachment 15, Section IV—Summons

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(?REFERENCE).

DATED this _____ day of_____, 20___.

_____

Attorney's Name
Attorney for DPHSS, GUAM

Territory of Guam

Superior Court of Guam

In Re: _____ (use identifiers per Confidential Schedule) Respondents	**NO:** _____ ORDER GRANTING PETITION FOR CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE

THIS MATTER came before the Court on the Petition for Order Authorizing Continued Involuntary Detention for Isolation or Quarantine 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 isolation or quarantine 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 ISOLATION OR QUARANTINE

1.4 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.

1.5 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 P.L:22-130; chapter 3.

Based on the above findings, IT IS ORDERED:

2.1 The petition is granted and respondent(s) shall continue to be detained for isolation or quarantine as 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 ____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

License #

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR ISOLATION OR QUARANTINE

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012~~1~~ (~~FIRST~~SECOND) Regular Session

Bill No. ~~_____~~-388-31 (COR), as Substituted
Committee on Health & Human Services,
Economic Development, Senior Citizens, and
Election Reform

~~FINAL: 11/17/2011~~

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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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

I Liheslaturan Guåhan further finds that with respect to Guam being a major travel hub and destination for travelers from Asia, there is an increased likelihood that the people of Guam will again be exposed to future threats, and that we must,

to the extent possible, take measures to protect ourselves by enacting sound policies and procedures to carry out isolation and quarantine orders. *I Liheslaturan Guåhan* takes due note that the proposed procedures to be adopted pursuant to this Act were developed by a team of Department of Public Health and Social Services staff.

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

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

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

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Section 4. Severability. *If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Act which can be

given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

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

Exhibit "A"

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GUAM

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Isolation and Quarantine Regulations

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I. Introduction:

A. This Regulation outlines the procedures by which the Department of Public Health and Social Services (DPHSS) may initiate and enforce the isolation or quarantine of people who have been exposed to a potentially communicable condition. It outlines DPHSS actions necessary to obtain voluntary isolation or quarantine, involuntary emergency isolation or quarantine, and petitioning the Superior Court of Guam to obtain a judicial order for an individual or group of people to be involuntarily isolated or quarantined.

B. The diagram at Section I, Attachment 1 provides a visual of the processes to be used when the DPHSS Director believes that isolation or quarantine 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 isolation or quarantine.

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

E. Assumptions:

1. If wide-scale isolation and quarantine is needed the DPHSS Director, Medical Director, and/or Chief Public Health 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. Isolation and Quarantine Flow Chart
2. Use of Forms
3. Use of Isolation or Quarantine Legal Documents Process

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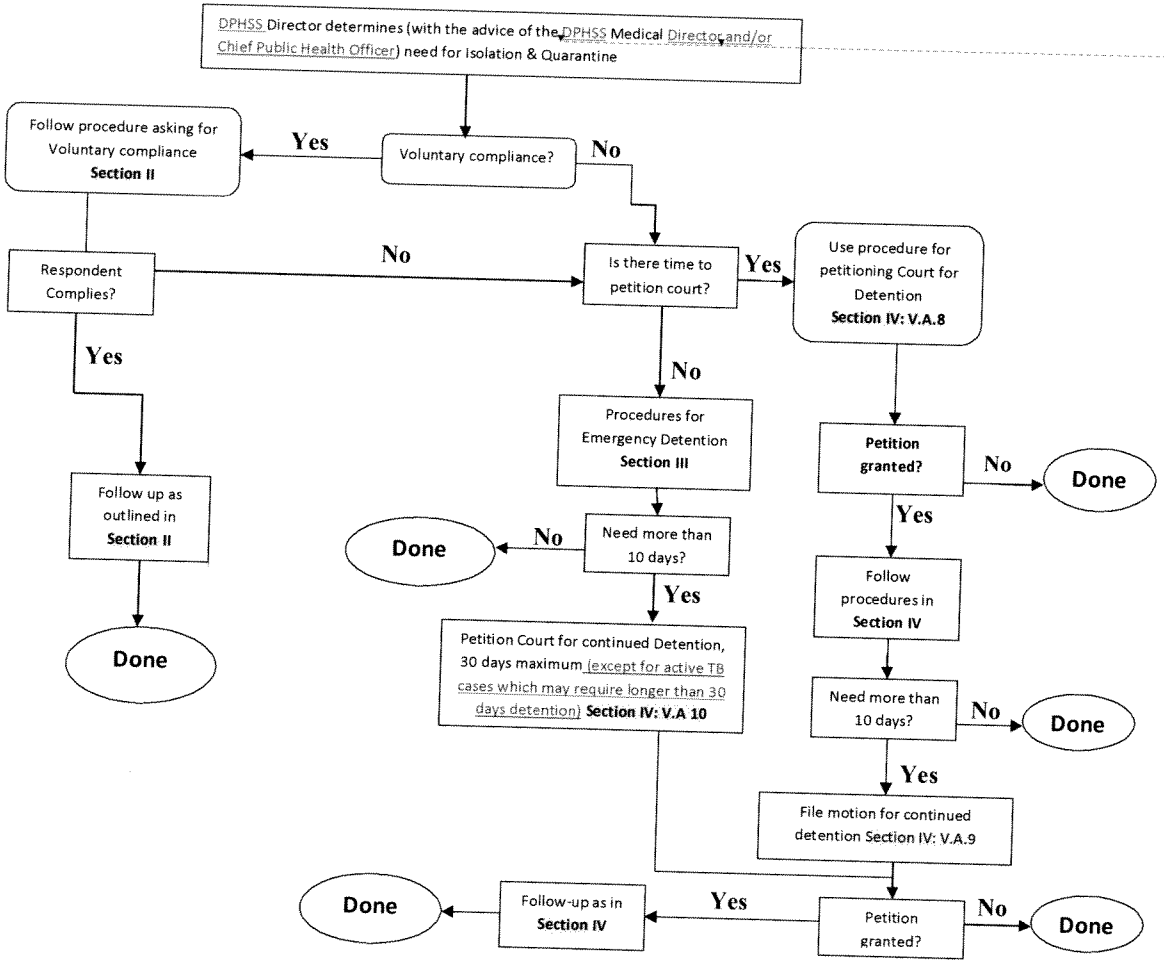
Isolation and Quarantine Flowchart



USE OF FORMS:

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

Use the "Voluntary Isolation or Quarantine Letter" and "Voluntary Isolation or Quarantine 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 or Quarantine 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 DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public Health Officer can either (1) proceed with an Emergency Detention Order, use the "Involuntary Order" folder; or (2) petition the Superior Court of Guam for a judicial order of detention, use the "Judicial Detention when Voluntary Isolation or Quarantine Refused" folder.

Emergency Detention Order:
If the DPHSS Director decides to proceed with an Emergency Detention Order, use the DPHSS Director's "Emergency Detention Order procedure, the guidance is contained in Section III.

Petition for Judicial Detention:
If the DPHSS Director under the advice of the DPHSS Medical Director and/or Chief Public Health Officer decides to petition the Superior Court of Guam 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 DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public Health Officer determines that more than ten (10) days of isolation or quarantine are needed, application to the Superior Court of Guam can be made for an additional 30 day period (except for active TB cases which may require longer than 30 days detention). 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 DPHSS Director, 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 of Guam, use the "Continued Detention Motion" folder because a petition will have been

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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 DPHSS Director's Options for Initiating Isolation or Quarantine, under the P.L:22-130 with the advice of the DPHSS, Medical Director, and/or Chief Public Health 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:
The Director is confident that the quarantined individual will comply **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. 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.	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.	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). **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.

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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 DPHSS Director's Order and Court Order described above are valid for a maximum of ten days isolation or quarantine. If the Director needs to extend the isolation or quarantine beyond ten days, only the Superior Court of Guam may order an extension for up to thirty days (except for active TB cases which may require longer than 30 days detention). If the individual is voluntarily complying, then the DPHSS Director may request the individual to continue in isolation/quarantine on a voluntary basis without seeking an order from the Court. There is **no** DPHSS Director's Order extending an involuntary isolation or quarantine in P.L:22-130.

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PROCEDURE: REQUESTING VOLUNTARY ISOLATION OR QUARANTINE P.L:22-130

EFFECTIVE:

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 Department of Public Health and Social Services (DPHSS) Medical Director and/or Chief Public 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 DPHSS 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 within the jurisdiction of the health department.

B. Upon the advice of the DPHSS Medical Director and/or Chief Public Health Officer, the DPHSS 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 of Guam *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 OR QUARANTINE

A. Voluntary Isolation or Quarantine should always be used as a first option UNLESS the DPHSS Director under the medical advice of the DPHSS Medical Director and/or Chief Public Health 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

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Section II, Procedure for Requesting Voluntary Isolation

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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 or quarantine and immediate action is believed to be needed, see Section III, Procedure: **"EMERGENCY DETENTION ORDER."**

IV. PROCEDURE FOR VOLUNTARY ISOLATION OR QUARANTINE:

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, inspection and closure of facilities, and to avoid travel by commercial air or commercial sea conveyance. If needed, seek interpreter services.
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 DPHSS's legal counsel; seek interpreter services, as appropriate.
6. Hand deliver letter and acknowledgment of voluntary isolation or quarantine form to person or persons.
7. Document date and time letter was delivered to person or persons in isolation or quarantine. Also document whether or not person signed the acknowledgment of voluntary isolation or quarantine form found **in Attachment 2, Section II**.
8. Maintain copy of letter(s) and acknowledgment of voluntary isolation or quarantine 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 or quarantine.
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)]

Section II, Procedure for Requesting Voluntary Isolation

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13. Notify the appropriate law enforcement agency and Attorney General's Office of the Prosecuting Attorney of voluntary isolation or quarantine.
14. Flag any and all irregularities for supervisory action and follow up.
15. **IF REPEATED ATTEMPTS TO LOCATE PERSON OR PERSONS ARE UNSUCCESSFUL, SEEK DECISION BY DPHSS DIRECTOR ON ISSUING AN EMERGENCY DETENTION ORDER [maximum 10 days] AND/OR TO PETITION THE SUPERIOR COURT OF GUAM FOR INVOLUNTARY DETENTION [maximum 30 days, except for active TB cases which may require longer that 30 days detention].**
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 OR QUARANTINE

A. There are a number of circumstances under which a person or persons may be released from voluntary isolation or quarantine.
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 or quarantine.

B. In such cases, once a decision has been made to release a person or persons from voluntary isolation or quarantine, the following steps should be followed:
1. Initiate direct contact with person or persons to be released from voluntary isolation or quarantine.
2. Issue a written statement that they are released from voluntarily isolation or quarantine 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

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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 or quarantine.

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, DPHSS

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Attachments:

1. Voluntary Isolation or Quarantine Letter
2. Acknowledgement of Voluntary Isolation or Quarantine
3. Release from Voluntary Isolation or Quarantine

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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 Department of Public Health and Social Services (DPHSS) requests that you stay home from work, school, child care, other public areas, and to avoid travel by air and sea 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 also access information at the DPHSS website, www.dphss.guam.gov or the Centers for Disease Control and Preventions website at www.cdc.gov.

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, DPHSS

Attachment 2, Section II, Procedure for Requesting Voluntary Isolation or Quarantine

VOLUNTARY ISOLATION OR QUARANTINE ACKNOWLEDGMENT

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On,_____, 20__, I received a written notice from the Department of Public Health and Social Services (DPHSS) indicating that the Director with the advice of the Medical Director and/or Chief Public Health Officer of the DPHSS requests my voluntary isolation and/or quarantine 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 DPHSS 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 department at (671) 735-7201 or 735-3062 or 735- 7142.**

DATED this_____ day of, 20_____

_____
[Sign name]

_____
[Print name]

_____
[Date of birth]

_____
[Social security number]

Attachment 3, Section II, Procedure for Requesting Voluntary Isolation or Quarantine

COMPLETION OF ISOLATION OR QUARANTINE CLEARANCE FORM

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Date _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the Department of Public Health and Social Services (DPHSS) 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.

DPHSS requested isolation and/or quarantine based on the isolation and quarantine principles and conditions contained in P.L. ????. 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 DPHSS at 735- 7102, 735-3602 or 735-7142, if you have questions about this letter or about _____.

Sincerely,

Director, DPHSS

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Section III, Procedure for Executing an Emergency Detention Order

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 Department of Public Health and Social Services Medical Director and/or Chief Public 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.

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II. AUTHORITY:

A. In accordance with the provisions of (P.L:22-130 Chapter-3; §3310), an order issued by the DPHSS 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.

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B. Upon the advice of the DPHSS Medical Director and/or Chief Public Health 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 of Guam *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 ??????

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III. PROCEDURE FOR DETERMINING NEED FOR EMERGENCY DETENTION ORDERS:

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

Section III. Procedure for Executing an Emergency Detention Order

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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 DPHSS Director orders the immediate *in*voluntary 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 of Guam 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 of Guam 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, inspection and closure of facilities, and to avoid travel by commercial air or commercial sea conveyance 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 Supervisor will notify relevant law enforcement and the Office of the Prosecuting Attorney of intentions to issue "Emergency Detention Order" for specific person or person(s).

Section III, Procedure for Executing an Emergency Detention Order

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.

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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. The DPHSS in coordination with the Guam Memorial Hospital Authority, private health care providers, and/or with guidance from the Centers for Disease Control and Prevention (CDC), will assess the need to declare a Public Health Emergency.
2. The DPHSS Director determines the need to activate the incident command structure for DPHSS including augmenting regular communicable disease staff to perform isolation and quarantine monitoring and follow up.
3. The DPHSS leadership coordinates between the Department, appropriate law enforcement, and local elected officials for the appropriate jurisdiction(s).

Section III. Procedure for Executing an Emergency Detention Order

4. The DPHSS in coordination with the CDC, Division of Global Migration and Quarantine to assess the need for commercial air travel restriction.
5. The DPHSS, Bureau of Communicable Disease Control to coordinate with Guam Customs and Quarantine Agency, private airline partners, and other GovGuam partners to prevent travel while a federal Do Not Board Order is being processed with CDC's Division of Global Migration and Quarantine and the Honolulu Quarantine Station.

VII. PROCEDURE FOR RELEASE FROM EMERGENCY DETENTION:

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

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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 of Guam has granted the person or persons' request for relief from the Emergency Detention Order.
5. If the Emergency Detention Order has expired, and the DPHSS Director desires to continue detention by petitioning the Superior Court of Guam for Involuntary Detention, see Procedure "PETITIONING THE SUPERIOR COURT OF GUAM 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

Attachment 1, Section III, Procedure for Executing an Emergency Detention Order

Approved:

Director, DPHSS

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

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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

Attachment 2, Section III, Procedure for Executing an Emergency Detention Order

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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: _____

Attachment 2. Section III. Procedure for Executing an Emergency Detention Order

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EMERGENCY INVOLUNTARY DETENTION ORDER

Under authority of Public Law 22-130; chapter 3: I, _____, the Director for the Department of Public Health and Social Services (DPHSS), 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).

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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 DPHSS Medical Director and/or Chief Public Health 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
Department of Public Health & Social Services

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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

Attachment 3, Section III, Procedure for Executing an Emergency Detention Order

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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 Department of Public Health and Social Services (DPHSS) for persons

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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 DPHSS requested isolation, based on the isolation and quarantine principles contained in P.L. ????. 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 DPHSS at 735-3602,735-7152 or735-7102.

Director, DPHSS

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

PROCEDURE: PETITIONING THE SUPERIOR COURT OF GUAM 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

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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 Department of Public Health and Social Services (DPHSS) Medical Director and/or Chief Public 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 DPHSS Director, 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, within the jurisdiction of the health department.

B. In accordance with P.L 22-130, the DPHSS Director, or his or her designee, upon the professional advice of the DPHSS Medical Director and/or Chief Public Health 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 of Guam *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 DPHSS Director, or his or her designee, must FIRST complete Section IV, Procedure for Petitioning

Section IV, Procedure for Petitioning the Superior Court of Guam for Involuntary Detention,

the Superior Court of Guam 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 OF GUAM:

A. The DPHSS 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**

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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 DPHSS Director may elect to Petition the Superior Court of Guam *ex parte.*

V. PROCEDURE FOR PETITIONING THE SUPERIOR COURT OF GUAM:

A. If the DPHSS Director elects to petition the Superior Court of Guam 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 of Guam 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. Chief of Police] of intentions to petition the Superior Court of Guam for Involuntary Detention for specific person or person(s).

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

5. **Initial Petition for 10-day Involuntary Detention (except for active TB cases which may require longer than 30 days detention).** Isolation and Quarantine staff will prepare the necessary legal documents, if needed, help can be provided by DPHSS' 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 DPHSS Director, 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

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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 Superior Court of Guam 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 Superior Court of Guam (except for active TB cases which may require longer than 30 days detention). Prepare the necessary legal documents (If needed, help can be provided by DPHSS' 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 DPHSS Director, 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 Superior Court of Guam'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 Superior Court of Guam to issue if the involuntary isolation/quarantine is approved. The Order is found in **Attachment 10, Section IV.**

7. **Extension of Emergency Detention.** If DPHSS has not petitioned the Superior Court of Guam before, a different set of forms must be used. A 10-day Emergency Detention Order can be extended up to 30 days (except for active TB cases which may require longer than 30 days detention) by petitioning the Superior Court of Guam. Prepare the necessary legal

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

documents, if needed help can be provided by DPHSS' 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 DPHSS Director, 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 Superior Court of Guam's consideration.
   f. Statement of compliance with the conditions and principles of isolation and quarantine contained in P.L:22-130.

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g. An Order for the Superior Court of Guam 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 which may require longer than 30 days detention).** 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 Superior Court of Guam. Prepare the necessary legal documents according to the procedure described in subsection 6 of this section (if needed, help can be provided by DPHSS' 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 in the Isolation and Quarantine File.
11. Maintain copy of Petition and supporting documents for files.
12. OPA office to notify DPHSS 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 the Superior Court of Guam."

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 of Guam 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).

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

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]

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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 of Guam 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 of Guam, 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.

Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention. **Deleted:** March 15, 2011

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, DPHSS

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Attachments:

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

Attachment 1, Section IV, Questions to ask

Deleted: March 15, 2011

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: _____

Attachment 2, Section IV, Petition

Deleted: March 15, 2011

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	PETITION FOR EX PARTE ORDER AUTHORIZING INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE WHEN VOLUNTARY ISOLATION OR QUARANTINE REFUSED
Respondents	

COMES NOW _____, Director of the Department of Public Health and Social

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Services, Guam, by and through his/her attorney, _____, and petitions this court for an order *ex parte* authorizing involuntary detention for isolation or quarantine. 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 and 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 the Department of Public Health and Social Services (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

Attachment 2, Section IV, Petition

b. The DPHSS Director 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 the DPHSS 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);

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b. The entry of an order sealing the Confidential Schedule and any other documents containing the identity 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

Attachment 3, Section IV, Declaration

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	DECLARATION IN SUPPORT OF PETITION FOR EXPARTE AUTHORIZING INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE
Respondents	

_____ declares:

1. I am the Director of the Department of Public Health and 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

Attachment 3, Section IV, Declaration

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:

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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

Attachment 4, Section IV, Confidential Schedule

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CONFIDENTIAL SCHEDULE

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

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Protected under the Health Care Information Act, HIPPA

Name(s)	Address	Identity in Pleadings

Location of Detention

Attachment 5, Section IV, Summons

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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

Attachment 6, Section IV, Order

Deleted: March 15, 2011

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	ORDER (EX PARTE) AUTHORIZING INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE, WHEN VOLUNTARY ISOLATION OR QUARANTINE, REFUSED
Respondents	

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THIS MATTER having come before the Court on the Petition for an Ex Parte Order Authorizing

Involuntary Detention for Isolation or Quarantine, When Voluntary Isolation or Quarantine, Refused filed by _____, Director for the Department of Public Health and Social Services (DPHSS), 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

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Attachment 6, Section IV, Order

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2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine as necessary to protect the public health, safety and welfare at the location specified on the Confidential Schedule from_____, 20__ at ___ o'clock AM/PM to from_____, 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

License number:

EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

Attachment 7. Section IV. Motion for Continued Detention

Deleted: March 15, 2011

Territory of Guam

Superior Court of Guam

In Re:

_____ (use identifiers per Confidential Schedule)

Respondents

_____

NO: _____

MOTION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE

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COMES NOW _____, Director for the Department of Public Health and Social

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Services, by and through his/her attorney, _____and asks this court for an order authorizing

extension of the period for involuntary detention for isolation or quarantine. On _____,

the court issued an, ex parte order authorizing involuntary detention for isolation or quarantine,

based on the petition submitted by _____ the Director.

The order issued on _____ authorized involuntary detention for isolation or quarantine,

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 isolation or quarantine

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

Attachment 8. Section IV. Declaration in Support of Continued 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 ISOLATION OR QUARANTINE OR

_____ declares:

1. I am the Director, Department of Public Health and Social Services.

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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

Attachment 8. Section IV. Declaration in Support of Continued 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 30 additional days, except for active TB cases which may require longer than 30 days detention) 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.

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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

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CONFIDENTIAL SCHEDULE

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

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Protected under the Health Care Information Act, HIPPA

Name(s)	**Address**	**Identity in Pleadings**

Location of Detention

MOTION FOR CONTINUATION OF DETENTION

Deleted: March 15, 2011

Territory of Guam

Superior Court of Guam

In Re: _____ (use identifiers per Confidential Schedule) Respondents	**NO:** _____ ORDER GRANTING MOTION FOR CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE OR

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THIS MATTER came before the Court on the Motion for an Order Authorizing Continued Involuntary Detention for Isolation or Quarantine 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.

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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

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

Deleted: March 15, 2011

Date: _____

To Whom It May Concern:

_____ has completed a period of isolation and/or quarantine as recommended by the 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.

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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

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Territory of Guam

Superior Court of Guam

In Re:	NO: _____
_____ (use identifiers per Confidential Schedule) Respondents	PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE OR

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COMES NOW _____, Director of the Department of Public Health and 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 isolation or quarantine. This petition is based on the pleadings and declaration of _____, attached hereto.

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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 and Social Services with Office located at 123, Chalan Kareta, Mangilao, Guam Respondent(s) and their location are identified in the attached Confidential Schedule.

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3. FACTUAL ALLEGATIONS

a. On _____, 20___, _____, the Director of the Department of Public Health and Social Services, issued an emergency order immediately involuntarily detaining the respondent(s) for isolation or quarantine under the authority P.L:22-130

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b. The emergency order issued on _____, 20___, authorized the involuntary detention for isolation or quarantine 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.

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PETITION FOR CONTINUATION
INVOLUNTARY DETENTION

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c. The Director of the Department of Public Health and Social Services 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 isolated or quarantined from others.

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

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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 of Public Health and Social Services 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

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE
Respondents	

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_____ 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 isolated or quarantined.

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

DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

7. The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent is _____ (not to exceed 30 days, except for active TB cases which may require longer than 30 days detention).

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 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

Attachment 14, Section IV, Confidential Schedule

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10 . specified in the attached Confidential Schedule,

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CONFIDENTIAL SCHEDULE

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

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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

Attachment 15, Section IV—Summons

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Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	SUMMONS
Respondents	

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(?REFERENCE).

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DATED this _____ day of_____, 20___.

_____

Attorney's Name
Attorney for DPHSS, GUAM

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule) Respondents	ORDER GRANTING PETITION FOR CONTINUED INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE

THIS MATTER came before the Court on the Petition for Order Authorizing Continued Involuntary Detention for Isolation or Quarantine, 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 isolation or quarantine 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 ISOLATION OR QUARANTINE,

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1.4 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.

1.5 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 P.L.22-130; chapter 3.

Based on the above findings, IT IS ORDERED:

2.1 The petition is granted and respondent(s) shall continue to be detained for isolation or quarantine as 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 ____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
License #

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR ISOLATION OR QUARANTINE

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SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman

COMMITTEE ON HEALTH & HUMAN SERVICES, ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Mina'trentai Unu Na Liheslaturan Guåhan • 31st Guam Legislature

PUBLIC HEARING DATE / TIME: Thursday, February 9, 2012 2pm

- **AGENDA ITEM: Bill 388-31 (COR)-** 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. Introduced by Sen. Dennis G. Rodriguez, Jr.

PRINT NAME	SIGNATURE	AGENCY or ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS
JOSIE O'MALLAN		DPHSS	✓	✓	✓		735-7162
ANNAKITTY MATHEW		DPHSS					
SUZANNE SISON		DPHSS			✓		735-7364
None follows							

BILL NO: 388-31 (COR) Page 1 of 1

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

Testimony on Bill 388-31 (COR)

Hafa Adai, Mr. Chairman and members of the Committee on Health and Human Services, Senior Citizens, Economic Development, and Election Reform. My name is James W. Gillan, Director of the Department of Public Health and Social Services. Thank you for allowing me the opportunity to provide testimony on Bill 388-31, "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."

Recent events at the global level demonstrate the need for Guam to adopt and implement isolation and quarantine regulations. These events include the 2009 H1N1 Pandemic Influenza, the 2003 SARS outbreak, current reports of avian influenza (bird flu) in Asia, multi-drug resistant, extensive-drug resistant and totally-drug resistant tuberculosis, and the continuing risk of bioterrorism. To further illustrate the severity of this issue, SARS itself caused 8,098 cases of illness and 774 deaths worldwide in 2003. In Minnesota, 11 people were evaluated as potential SARS cases. The City of Toronto – with hundreds of SARS cases, 44 deaths, and 27,000 persons in quarantine – illustrates how quickly government must be ready to act to protect public health. The 27 administrative orders for quarantine in Toronto show that health protection requires the use of limited – but significant – legal powers.

Locally, during the H1N1 response, it was a combination of constant vigilance and divine providence that the H1N1 virus did not spread widely throughout our island. And yet, we still experienced cases of infection, exposures and deaths associated with H1N1. If the need had arisen to impose isolation and quarantine orders, public health and the rest of the government would have been hard pressed to enforce them in the absence of any duly and lawfully adopted procedures and regulations.

As the Director of the Department of Public Health and Social Services, I acknowledge that the decision whether to require (voluntarily) or impose (involuntarily) isolation and quarantine orders requires a complex analysis of scientific, political, and social considerations while balancing between the rights of the individual and the overall responsibility for the public's health. This is exactly why the adoption of these isolation and quarantine regulations are crucial. Public health laws need to be flexible enough to permit appropriate responses to new epidemics and new circumstances, and public health officials and other government leaders need to be familiar with the statutory and regulatory procedures "prior" to invoking their authority for quarantine and isolation as well as the mechanisms to enforce directives. Appropriate statutory provisions will ensure the consistent application of authority, and lay out the procedures to be followed in advance of an actual event.

In conclusion, we request that the members of the committee, and others in the 31st Guam

Legislature, to consider the benefits of pursing the adoption and the implementation of the proposed bill.

Thank you for your consideration and support. For any further questions, you may contact the Division of Public Health, Bureau of Communicable Disease Control of this Department at 735-7135.

JAMES W. GILLAN

COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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Judith T. Won Pat

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LEGISLATIVE SECRETARY
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Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 388-31 (COR) – "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."** – on December 1, 2011. COR hereby certifies that BBMR confirmed receipt of this request on December 2, 2011.

COR further certifies that a response to this request was not received by 5:00 P.M. on December 23, 2011, the fourteenth day after the request was received by BBMR. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 388 to be included in the committee report on said bill, is hereby waived.**

Certified by:

Rory J. Respicio — 10/24/12

Senator Rory J. Respicio
Majority Leader & Rules Chair

Date

COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
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CHAIRPERSON
MAJORITY LEADER

Senator
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vicente c. pangelinan

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

December 1, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note –
Bill No. 388-31 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

MESSAGE CONFIRMATION

DEC-01-2011 02:30 PM THU

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : DEC-01-2011 02:30PM THU
ELAPSED TIME : 00'20"
MODE : STD ECM
RESULTS : [O.K]

COMMITTEE ON RULES
I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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vicente c. pangelinan

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ASST. MINORITY LEADER

Senator
Christopher M. Dueñas

December 1, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill No. 388-31 (COR)

Hafa Adai Mr. Rios:

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Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

Rec'd by. Annalyn
date: 12/2/11
time: 9:37pm

COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
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ASST. MINORITY LEADER

Senator
Christopher M. Duenas

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

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
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.	11/30/11 12:58 p.m.	12/1/2011		Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform			

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			

Bill Introduced/History
12/1/2011 1:27 PM

Gmail by Google

Joseph Anthony Mesngon <jmesngon.senatordrodriguez@gmail.com>

Amended Public Hearing Notice

2 messages

Clifton Herbert <cherbert.senatordrodriguez@gmail.com> **Fri, Feb 3, 2012 at 5:49 PM**

To: "Dennis Rodriguez Jr." <senatordrodriguez@gmail.com>, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Aline Yamashita <aline4families@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, Chris Duenas <duenasenator@gmail.com>, "Dr. Sam Mabini" <senatorsam@senatormabini.com>, "Frank Blas Jr." <frank.blasjr@gmail.com>, Judi Guthertz <judiguthertz@pticom.com>, Judi Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>, Tony Ada <senatortonyada@guamlegislature.org>
Bcc: phnotice@guamlegislature.org

--

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Dear Senators,

Buenas yan Hafa Adai!

Please see attached Amended Public Hearing Notice. Thanks and have a great weekend!

Sincerely,
Clifton Herbert
176 Serenu Avenue Suite 107 Tamuning, Guam 96931
Telephone: 671.649.8638
Email: Cherbert.senatordrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).
The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.
By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

Senators 1st Notice Public Hearing Feb. 9, 2012.pdf
78K

Clifton Herbert <cherbert.senatordrodriguez@gmail.com> **Fri, Feb 3, 2012 at 5:57 PM**

To: "Dennis Rodriguez Jr." <senatordrodriguez@gmail.com>, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Aline Yamashita <aline4families@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, Chris Duenas <duenasenator@gmail.com>, "Dr. Sam Mabini" <senatorsam@senatormabini.com>, "Frank Blas Jr." <frank.blasjr@gmail.com>, Judi Guthertz <judiguthertz@pticom.com>, Judi Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>, Tony Ada <senatortonyada@guamlegislature.org>
Bcc: phnotice@guamlegislature.org

I apologize for the prior email. Please review attached revision. Thank You.

Clifton

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Public Hearing 1st Notice Feb. 9, 2012.pdf
86K

Listserv: phnotice@guamlegislature.org
As of Jan. 30, 2012

aguon4guam@gmail.com
alerta.jermaine@gmail.com
aline4families@gmail.com
ataylor.senatordrodriguez@gmail.com
audrey@judiwonpat.com
baza.matthew@gmail.com
berlene@senatorpalacios.com
bruce.lloyd.media@gmail.com
candasofrank@gmail.com
chechsantos@gmail.com
cherbert.senatordrodriguez@gmail.com
cipo@guamlegisalature.org
clerks@guamlegisalature.org
colleen@judiwonpat.com
cor@guamlegislature.org
cyrus@senatorada.org
doc.wyttenbachsantos@gmail.com
duenasenator@gmail.com
edleonguerrero@gmail.com
edpocaigue@judiwonpat.com
edwardglee671@yahoo.com
elaine@tinamunabarnes.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
faith.r@senatormabini.com
fbtorres@judiwonpat.com
floterlaje@gmail.com
frank.blasjr@gmail.com
gavin@tinamunabarnes.com
guamnativesun@yahoo.com
jamespcastro@gmail.com
jane@tinamunabarnes.com
jason@senatorpalacios.com
jcamacho@senatorada.com
jean@tinamunabarnes.com
jeff.m@senatormabini.com
jennifer@senatorpalacios.com
jimespaldon@yahoo.com
jmesngon.senatordrodriguez@gmail.com
john.calvo@noaa.gov
jtenorio@guamcourts.org
judiguthertz@gmail.com
julian@senatorpalacios.com
leonguerrero.angela@gmail.com
lou4families@gmail.com
louise_atalig@yahoo.com
markaflague@gmail.com
maryfejeran@gmail.com
mcarlson@guamlegislature.org
mis@guamlegislature.org
msuarez.senatordrodriguez@gmail.com
mtorres.senatordrodriguez@gmail.com
myracle.m@senatormabini.com
nsantos@senatorada.org
office@senatorada.org
oliviampalacios@gmail.com
peterlg@gmail.com
phillipsguam@gmail.com
pris@senatorpalacios.com
regine@tinamunabarnes.com
rfteehan@yahoo.com
rob.tupaz@gmail.com
roryforguam@gmail.com
Santos.duenas@gmail.com
sem@guamlegislature.org
senator@senatorbjcruz.com
senator@senatorpalacios.com
senator@tinamunabarnes.com
senatordrodriguez@gmail.com
senatormabini@senatormabini.com
senatorsam@senatormabini.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgrarmes@guamlegislature.org
speaker@judiwonpat.com
tanya4families@gmail.com
tcastro@guam.net
telo.taitague@guam.gov
tinaokada@gmail.com
tom@senatorada.org
tterlaje@guam.net
uriah@tinamunabarnes.com
val.g@senatormabini.com
vkomiyama.senatordrodriguez@gmail.com
wilcastro671@gmail.com

SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
Committee on Health & Human Services, Senior Citizens, Economic Development, & Election Reform

Member,
Committee on Public Safety, Law Enforcement, & Judiciary

Member,
Committee on Youth, Cultural Affairs, Procurement, General Government Operations, & Public Broadcasting

Member,
Committee on Municipal Affairs, Tourism, Housing & Recreation

Member,
Committee on Rules, Federal, Foreign & Micronesian Affairs, & Human & Natural Resources

Member,
Committee on the Guam Military Buildup & Homeland Security

Member,
Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, & Land

Member,
Committee on Utilities, Transportation, Public Works, & Veterans Affairs

Assistant Majority Whip

TO: ALL SENATORS

FROM: SENATOR DENNIS G. RODRIGUEZ, JR.
CHAIRPERSON

SUBJECT: AMENDED 1st NOTICE OF PUBLIC HEARING

1st NOTICE OF PUBLIC HEARING
Thursday, February 9, 2012 9:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on February 9, 2012, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

Due to the State Funeral for the Honorable Gregorio Calvo that has been scheduled on Thursday, the Office of Senator Rodriguez has changed the starting time of his public hearing to the afternoon. The Public Hearing will commence at 2pm and all bills that were scheduled for the hearing in the morning are now included in the afternoon agenda.

2:00PM

- BILL 413-31(COR)-An act to repeal and reenact Title 3 of the Guam Code Annotated relative to Guam Elections. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*
- BILL 404-31(COR)- An act to add a new Section 6115 to Chapter 6 of Title 3, Guam Code Annotated, relative to independent candidates for elective office; and, to amend Section 16207 of Title 3, Guam Code Annotated. *(Introduced by Senator Chris M. Duenas)*
- BILL 402-31(COR)- An act to amend § 58119 (G) Title 12 Guam Code Annotated, Chapter 58, relative to requiring locally-based, locally-owned businesses and services for qualifying certificates. *(Introduced by Senator Sam Mabini, Ph.D.)*
- BILL 408-31(COR)- An act to establish the Office of Vital Statistics Revolving Fund, by amending §3227 of Chapter 3, and adding a new §3227.1 to Chapter 3, of Article 2, Title 10, Guam Code Annotated. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*
- BILL 388-31(COR)- 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. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a

modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact Clifton Herbert at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

Gmail by Google

Joseph Anthony Mesngon <jmesngon.senatordrodriguez@gmail.com>

1st Notice of Public Hearing 2-9-12

1 message

Clifton Herbert <cherbert.senatordrodriguez@gmail.com> **Wed, Feb 1, 2012 at 11:18 AM**

To: clynt@spbguam.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbguam.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofguam.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Erin Thompson <egthompson@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Jr <news@lifenews.com>, Katrina <life@guampdn.com>, Kevin Kerrigan <kevin@spbguam.com>, Kevin Kerrigan <news@k57.com>, Laura Matthews <llmatthews@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, William Gibson <breakfastshowk57@gmail.com>, aktemkar@guampdn.com
Bcc: jmesngon.senatordrodriguez@gmail.com

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Hafa Adai Newsrooms!

Please see attached 1st notice of Public Hearing scheduled for 9th of February, 2012. Please contact our office if you should have any questions or concerns.

Thanks,
Clifton Herbert
176 Serenu Avenue Suite 107 Tamuning, Guam 96931
Telephone: 671.649.8638
Email: Cherbert.senatordrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).
The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.
By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

2 attachments

Public Hearing 1st Notice Feb. 9, 2012.doc
544K

Public Hearing 1st Notice Feb. 9, 2012.pdf
383K

Gmail by Google

Clifton Herbert <cherbert.senatordrodriguez@gmail.com>

Amended Public Hearing Notice

2 messages

Clifton Herbert <cherbert.senatordrodriguez@gmail.com> **Fri, Feb 3, 2012 at 5:47 PM**

To: clynt@spbguam.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbguam.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofguam.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Erin Thompson <egthompson@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Jr <news@lifenews.com>, Katrina <life@guampdn.com>, Kevin Kerrigan <kevin@spbguam.com>, Kevin Kerrigan <news@k57.com>, Laura Matthews <llmatthews@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, William Gibson <breakfastshowk57@gmail.com>, aktemkar@guampdn.com

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Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Clifton Herbert
176 Serenu Avenue Suite 107 Tamuning, Guam 96931
Telephone: 671.649.8638
Email: Cherbert.senatordrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).
The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.
By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

2 attachments

Public Hearing 1st Notice Feb. 9, 2012.doc
545K

Public Hearing 1st Notice Feb. 9, 2012.pdf
385K

MAILER-DAEMON@pobox.ite.net <MAILER-DAEMON@pobox.ite.net> **Fri, Feb 3, 2012 at 5:47 PM**
To: cherbert.senatordrodriguez@gmail.com

Hi. This is the qmail-send program at pobox.ite.net.
I'm afraid I wasn't able to deliver your message to the following addresses.
This is a permanent error; I've given up. Sorry it didn't work out.

<reporter3.glimpsesofguam@gmail.com>:
74.125.127.26 does not like recipient.
Remote host said: 550-5.1.1 The email account that you tried to reach does not exist. Please try
550-5.1.1 double-checking the recipient's email address for typos or
550-5.1.1 unnecessary spaces. Learn more at
550 5.1.1 http://support.google.com/mail/bin/answer.py?answer=6596 j9si7165428pbh.19
Giving up on 74.125.127.26.

--- Below this line is a copy of the message.

Return-Path: <cherbert.senatordrodriguez@gmail.com>
Received: (qmail 10569 invoked by uid 98); 3 Feb 2012 17:47:29 +1000
Delivered-To: reporter3@glimpsesofguam.com
Received: (qmail 10521 invoked from network); 3 Feb 2012 17:47:27 +1000
Received: from mx2.ite.net (202.123.137.3)
by pobox.ite.net with SMTP; 3 Feb 2012 17:47:27 +1000
Received: (qmail 5199 invoked from network); 3 Feb 2012 17:47:20 +1000
Received: by simscan 1.4.0 ppid: 5166, pid: 5173, t: 6.0756s
scanners: clamav: 0.95.3/m:54/d:14391 spam: 3.3.1
Received: from mail-ee0-f42.google.com (74.125.83.42)
by mx2.ite.net with SMTP; 3 Feb 2012 17:47:14 +1000
Received-SPF: pass (mx2.ite.net: SPF record at _spf.google.com designates 74.125.83.42 as permitted sender)
Received: by eeke49 with SMTP id e49so1350574eek.15
for <reporter3@glimpsesofguam.com>; Thu, 02 Feb 2012 23:47:16 -0800 (PST)
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=gmail.com; s=gamma;
h=mime-version:date:message-id:subject:from:to:content-type;
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b=agVugQMFN+3ElGhQ5S/4KNGbdGhfh75hBJdstNWIk9aWcYbaCT4oe/RSWMGFoAx7L7
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xwiZceMKKlyxaXgAOa7qpYKsAziipEGp90AEE=
MIME-Version: 1.0
Received: by 10.14.98.203 with SMTP id v51mr1979474eef.13.1328255236641; Thu,
02 Feb 2012 23:47:16 -0800 (PST)
Received: by 10.213.110.202 with HTTP; Thu, 2 Feb 2012 23:47:15 -0800 (PST)
Date: Fri, 3 Feb 2012 17:47:15 +1000
Message-ID: <CAKNexncGWUMMs_zx0dm8rfdhOFDRUbemKA6ssj1cBWbNVmSH7A@mail.gmail.com>
Subject: Amended Public Hearing Notice
From: Clifton Herbert <cherbert.senatordrodriguez@gmail.com>

SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
Committee on Health & Human Services, Senior Citizens, Economic Development, & Election Reform

Member,
Committee on Public Safety, Law Enforcement, & Judiciary

Member,
Committee on Youth, Cultural Affairs, Procurement, General Government Operations, & Public Broadcasting

Member,
Committee on Municipal Affairs, Tourism, Housing & Recreation

Member,
Committee on Rules, Federal, Foreign & Micronesian Affairs, & Human & Natural Resources

Member,
Committee on the Guam Military Buildup & Homeland Security

Member,
Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, & Land

Member,
Committee on Utilities, Transportation, Public Works, & Veterans Affairs

Assistant Majority Whip

PRESS RELEASE
FIRST NOTICE OF PUBLIC HEARING
Thursday, February 9, 2012 2:00PM

AMENDED

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on February 9, 2012, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

Due to the State Funeral for the Honorable Gregorio Calvo that has been scheduled on Thursday, the Office of Senator Rodriguez has changed the starting time of his public hearing to the afternoon. The Public Hearing will commence at 2pm and all bills that were scheduled for the hearing in the morning are now included in the afternoon agenda.

2:00PM

- BILL 413-31(COR)-An act to repeal and reenact Title 3 of the Guam Code Annotated relative to Guam Elections. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*
- BILL 404-31(COR)- An act to add a new Section 6115 to Chapter 6 of Title 3, Guam Code Annotated, relative to independent candidates for elective office; and, to amend Section 16207 of Title 3, Guam Code Annotated. *(Introduced by Senator Chris M. Duenas)*
- BILL 402-31(COR)- An act to amend § 58119 (G) Title 12 Guam Code Annotated, Chapter 58, relative to requiring locally-based, locally-owned businesses and services for qualifying certificates. *(Introduced by Senator Sam Mabini, Ph.D.)*
- BILL 408-31(COR)- An act to establish the Office of Vital Statistics Revolving Fund, by amending §3227 of Chapter 3, and adding a new §3227.1 to Chapter 3, of Article 2, Title 10, Guam Code Annotated. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*
- BILL 388-31(COR)- 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. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a

modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

Gmail by Google

Joseph Anthony Mesngon <jmesngon.senatordrodriguez@gmail.com>

2nd Notice of Public Hearing

Clifton Herbert <cherbert.senatordrodriguez@gmail.com> **Tue, Feb 7, 2012 at 9:22 AM**

To: "Dennis Rodriguez Jr." <senatordrodriguez@gmail.com>, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Aline Yamashita <aline4families@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, Chris Duenas <duenasenator@gmail.com>, "Dr. Sam Mabini" <senatorsam@senatormabini.com>, "Frank Blas Jr." <frank.blasjr@gmail.com>, Judi Guthertz <judiguthertz@pticom.com>, Judi Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>, Tony Ada <senatortonyada@guamlegislature.org>
Bcc: phnotice@guamlegislature.org

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Dear Senators,

Buenas yan Hafa Adai!

Please see attached notice of Public Hearing scheduled for Thursday, February 9, 2012. Thanks you and have a great day!

[Quoted text hidden]

Senators 2nd Notice Public Hearing Feb. 9, 2012.pdf
79K

SENATOR DENNIS G. RODRIGUEZ, JR.

TO: ALL SENATORS

FROM: SENATOR DENNIS G. RODRIGUEZ, JR.
CHAIRPERSON

SUBJECT: 2nd NOTICE OF PUBLIC HEARING

Chairman,
Committee on Health & Human Services, Senior Citizens, Economic Development, & Election Reform

Member,
Committee on Public Safety, Law Enforcement, & Judiciary

Member,
Committee on Youth, Cultural Affairs, Procurement, General Government Operations, & Public Broadcasting

Member,
Committee on Municipal Affairs, Tourism, Housing & Recreation

Member,
Committee on Rules, Federal, Foreign & Micronesian Affairs, & Human & Natural Resources

Member,
Committee on the Guam Military Buildup & Homeland Security

Member,
Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, & Land

Member,
Committee on Utilities, Transportation, Public Works, & Veterans Affairs

Assistant Majority Whip

2nd NOTICE OF PUBLIC HEARING
Thursday, February 9, 2012 2:00PM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on February 9, 2012, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:00PM

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- BILL 404-31(COR)- An act to add a new Section 6115 to Chapter 6 of Title 3, Guam Code Annotated, relative to independent candidates for elective office; and, to amend Section 16207 of Title 3, Guam Code Annotated. *(Introduced by Senator Chris M. Duenas)*
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Ufisinan Todu Guam • 31st Guam Legislature
176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
E-mail: senatordrodriguez@gmail.com

modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact Clifton Herbert at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
Committee on Health & Human Services, Senior Citizens, Economic Development, & Election Reform

Member,
Committee on Public Safety, Law Enforcement, & Judiciary

Member,
Committee on Youth, Cultural Affairs, Procurement, General Government Operations, & Public Broadcasting

Member,
Committee on Municipal Affairs, Tourism, Housing & Recreation

Member,
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Member,
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Member,
Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, & Land

Member,
Committee on Utilities, Transportation, Public Works, & Veterans Affairs

Assistant Majority Whip

PRESS RELEASE
FIRST NOTICE OF PUBLIC HEARING
Thursday, February 9, 2012 9:00AM

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We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

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Gmail by Google

Joseph Anthony Mesngon <jmesngon.senatordrodriguez@gmail.com>

2nd Notice of Public Hearing

2 messages

Clifton Herbert <cherbert.senatordrodriguez@gmail.com> **Tue, Feb 7, 2012 at 9:09 AM**

To: clynt@spbguam.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbguam.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofguam.com, ricknauta@hitradio100.com, sabrina@kuam.com, slimtiaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Erin Thompson <egthompson@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Jr <news@lifenews.com>, Katrina <life@guampdn.com>, Kevin Kerrigan <kevin@spbguam.com>, Kevin Kerrigan <news@k57.com>, Laura Matthews <llmatthews@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, William Gibson <breakfastshowk57@gmail.com>, aktemkar@guampdn.com
Bcc: jmesngon.senatordrodriguez@gmail.com

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Hafa Adai Newsrooms!

Please see attached 2nd Notice of Public Hearing. Thank you and have a great day!

Sincerely,
Clifton Herbert
176 Serenu Avenue Suite 107 Tamuning, Guam 96931
Telephone: 671.649.8638
Email: Cherbert.senatordrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).
The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.
By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

2 attachments

Public Hearing 2nd Notice Feb. 9, 2012.doc
544K

Public Hearing 2nd Notice Feb. 9, 2012.pdf
383K

Clifton Herbert <cherbert.senatordrodriguez@gmail.com> **Tue, Feb 7, 2012 at 9:22 AM**

To: "Dennis Rodriguez Jr." <senatordrodriguez@gmail.com>, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Aline Yamashita <aline4families@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, Chris Duenas <duenasenator@gmail.com>, "Dr. Sam Mabini" <senatorsam@senatormabini.com>, "Frank Blas Jr." <frank.blasjr@gmail.com>, Judi Guthertz <judiguthertz@pticom.com>, Judi Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>, Tony Ada <senatortonyada@guamlegislature.org>
Bcc: phnotice@guamlegislature.org

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Dear Senators,

Buenas yan Hafa Adai!

Please see attached notice of Public Hearing scheduled for Thursday, February 9, 2012. Thanks you and have a great day!

[Quoted text hidden]

Senators 2nd Notice Public Hearing Feb. 9, 2012.pdf
79K

SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
Committee on Health & Human Services, Senior Citizens, Economic Development, & Election Reform

Member,
Committee on Public Safety, Law Enforcement, & Judiciary

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Member,
Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, & Land

Member,
Committee on Utilities, Transportation, Public Works, & Veterans Affairs

Assistant Majority Whip

PRESS RELEASE
SECOND NOTICE OF PUBLIC HEARING
Thursday, February 9, 2012 2:00PM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting a Public Hearing on February 9, 2012, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

2:00PM

- BILL 413-31(COR)- An act to repeal and reenact Title 3 of the Guam Code Annotated relative to Guam Elections. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*
- BILL 404-31(COR)- An act to add a new Section 6115 to Chapter 6 of Title 3, Guam Code Annotated, relative to independent candidates for elective office; and, to amend Section 16207 of Title 3, Guam Code Annotated. *(Introduced by Senator Chris M. Duenas)*
- BILL 402-31(COR)- An act to amend § 58119 (G) Title 12 Guam Code Annotated, Chapter 58, relative to requiring locally-based, locally-owned businesses and services for qualifying certificates. *(Introduced by Senator Sam Mabini, Ph.D.)*
- BILL 408-31(COR)- An act to establish the Office of Vital Statistics Revolving Fund, by amending §3227 of Chapter 3, and adding a new §3227.1 to Chapter 3, of Article 2, Title 10, Guam Code Annotated. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*
- BILL 388-31(COR)- 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. *(Introduced by Senator Dennis G. Rodriguez, Jr.)*

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

Ufisinan Todu Guam • 31st Guam Legislature
176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
E-mail: senatordrodriguez@gmail.com

SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
Committee on Health & Human Services, Senior Citizens, Economic Development, & Election Reform

Member,
Committee on Public Safety, Law Enforcement, & Judiciary

Member,
Committee on Youth, Cultural Affairs, Procurement, General Government Operations, & Public Broadcasting

Member,
Committee on Municipal Affairs, Tourism, Housing & Recreation

Member,
Committee on Rules, Federal, Foreign & Micronesian Affairs, & Human & Natural Resources

Member,
Committee on the Guam Military Buildup & Homeland Security

Member,
Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, & Land

Member,
Committee on Utilities, Transportation, Public Works, & Veterans Affairs

Assistant Majority Whip

February 1, 2012

James W. Gillan
Director
Department of Public Health and Social Services
Mangilao, Guam

Dear Mr. Gillan:

Buenas yan Håfa Adai!

I would like to invite you to provide testimony at a public hearing on Bills 408-31 (COR) and 388-31 (COR).

Bill 408-31 (COR) is an act to establish the Office of Vital Statistics Revolving Fund, by amending §3227 of Chapter 3, and adding a new §3227.1 to Chapter 3, of Article 2, Title 10, Guam Code Annotated.

Bill 388-31 (COR) is 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.

The public hearing will take place on Thursday, February 9, 2012 at 2pm at *I Liheslatura's* Public Hearing Room in Hagåtña.

The bill may be reviewed at the Guam Legislature's website at www.guamlegislature.org.

You may contact my office for more information. I look forward to your presence and participation. *Si Yu'os Ma'åse'!*

Senseramente,

Dennis G. Rodriguez, Jr.

Ufisinan Todu Guam • 31st Guam Legislature
176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
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SENATOR DENNIS G. RODRIGUEZ, JR.

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Member,
Committee on Utilities, Transportation, Public Works, & Veterans Affairs

Assistant Majority Whip

PUBLIC HEARING AGENDA

Thursday, February 9, 2012 2pm Public Hearing Room, *I Liheslatura*

I. Call to Order

II. Items for public consideration:

- **Bill 413-31 (COR)-** An act to repeal and reenact Title 3 of the Guam Code Annotated relative to Guam Elections. Introduced by Sen. Dennis G. Rodriguez, Jr.

- **Bill 404-31 (COR)**- An act to add a new Section 6115 to Chapter 6 of Title 3, Guam Code Annotated, relative to independent candidates for elective office; and, to amend Section 16207 of Title 3, Guam Code Annotated. Introduced by Sen. Chris Duenas.

- **Bill 402-31 (LS)-** An act to amend § 58119 (G) Title 12 Guam Code Annotated, Chapter 58, relative to requiring locally-based, locally-owned businesses and services for qualifying certificates. Introduced by Sen. Sam Mabini, PhD.

- **Bill 408-31 (COR)-** An act to establish the Office of Vital Statistics Revolving Fund, by amending §3227 of Chapter 3, and adding a new §3227.1 to Chapter 3, of Article 2, Title 10, Guam Code Annotated. Introduced by Sen. Dennis G. Rodriguez, Jr.

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III. Adjournment / Recess

Testimonies not submitted today may be addressed to: Senator Dennis G. Rodriguez, Jr. Chairman, Committee on Health and Human Services, Economic Development, Senior Citizens and Election Reform and delivered via: 176 Serenu Avenue Suite 107 Tamuning, Guam 96913, emailed to: senatordrodriguez@gmail.com or Guam Legislature 155 Hesler St. Hagatna, Guam 96932.

Thank you for your participation in today's public hearing.

Ufisinan Todu Guam • 31st Guam Legislature
176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
E-mail: senatordrodriguez@gmail.com

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

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

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

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

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

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

Section 5. Effective Date. This Act shall become immediately effective 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

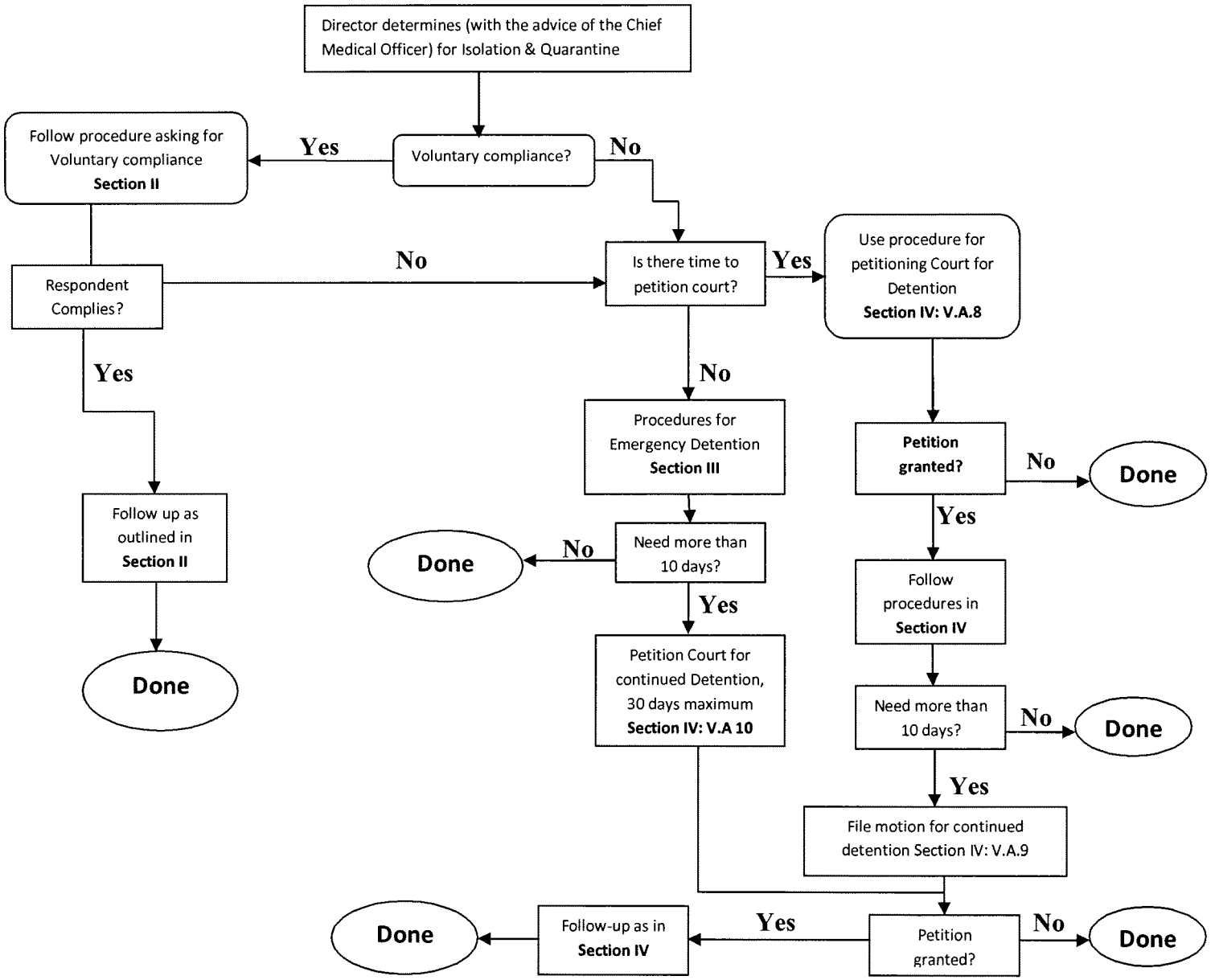
E. Assumptions:
1. If wide-scale isolation and quarantine is needed the Chief Medical Officer will assess the need to declare a Public Health Emergency.
2. An Incident Command System will be implemented to provide adequate staff to meet the needs of this Plan and Process

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:
The Director is confident that the quarantined individual will comply **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. 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.	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	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). **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.

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 *in*voluntary 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 or735-7102.

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: _____

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.

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 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

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	DECLARATION IN SUPPORT OF PETITION FOR EXPARTE AUTHORIZING INVOLUNTARY DETENTION FOR QUARANTINE OR ISOLATION
Respondents	

_____ 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

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

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule) Respondents	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

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	ORDER (EX PARTE) AUTHORIZING INVOLUNTARY DETENTION FOR QUARANTINE OR ISOLATION WHEN WHEN VOLUNTARY QUARANTINE OR ISOLATION REFUSED
Respondents	

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

2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine as necessary to protect the public health, safety and welfare at the location specified on the Confidential Schedule from_____, 20__ at ___ o'clock AM/PM to from_____, 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
License number:

EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	MOTION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR QUARANTINE OR ISOLATION
Respondents	

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

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

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	ORDER GRANTING MOTION FOR CONTINUED INVOLUNTARY DETENTION
Respondents	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

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

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION
Respondents	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

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

Territory of Guam

Superior Court of Guam

In Re:	**NO:** _____
_____ (use identifiers per Confidential Schedule)	PETITION FOR ORDER AUTHORIZING CONTINUED INVOLUNTARY DETENTION FOR QUARANTINE OR ISOLATION
Respondents	

_____ 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

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

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

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).

1.4 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.

1.5 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 P.L:22-130; chapter 3.

Based on the above findings, IT IS ORDERED:

2.1 The petition is granted and respondent(s) shall continue to be detained for isolation or quarantine as 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 ____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

License #

ORDER GRANTING PETITION FOR CONTINUED INVOLUNTARY DETENTION FOR QUARANTINE OR ISOLATION