

N.J.A.C. 8:57-1

APPENDIX B

Quarantine and Isolation - Model Rules for Local Boards of Health

1.1 Applicability

The provisions of the model rules are applicable in jurisdictions in which the local board of health has adopted the model rules by reference in accordance with New Jersey law, but no local board of health is required to adopt the model rules.

1.2 Definitions

"Board" means [insert the name of the county, municipal or regional board].

"Department" means the New Jersey Department of Health and Senior Services.

"Isolation" means the physical separation and confinement of an individual or groups of individuals who are infected or reasonably believed to be infected, based on signs, symptoms or laboratory analysis, with a contagious or possibly contagious disease from non-isolated individuals, to prevent or limit the transmission of the disease to non-isolated individuals.

"Quarantinable disease" means any communicable disease which presents a risk of serious harm to public health and which may require isolation or quarantine to prevent its spread.

1. The Department's lists of reportable communicable diseases are set forth at N.J.A.C. 8:57-1.5.

"Quarantine" means the physical separation and confinement of an individual or groups of individuals, who are or may have been exposed to a communicable or possibly communicable disease and who do not show signs or symptoms of a communicable disease, from unexposed individuals, to prevent or limit the transmission of the disease to unexposed individuals.

1.3 General provisions

(a) Prior to instituting mandatory isolation or quarantine pursuant to this rule, the board may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.

(b) The board is authorized to impose and enforce quarantine and isolation restrictions, but the board shall rarely impose quarantine and isolation restrictions.

1. If a quarantinable disease occurs in New Jersey, the board may isolate or quarantine individuals with a suspected or active quarantinable disease and their contacts as the particular situation requires.

2. The board shall complete any quarantine or isolation in accordance with this rule and N.J.A.C. 8:57-1.11.

3. Upon the declaration of a public health emergency, the board shall comply with the isolation and quarantine procedures established in the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq.

(c) The board shall notify, consult, and work cooperatively with the New Jersey Department of Agriculture on issues relating to isolation and quarantine of potentially infected livestock under the authority of the New Jersey Department of Agriculture pursuant to the provisions of Title 4 of the Revised Statutes and the New Jersey Department of Environmental Protection on issues relating to isolation and quarantine of wildlife under the authority of the New Jersey Department of Environmental Protection pursuant to the provisions of Title 23 of the Revised Statutes, where illness could potentially impact human health.

1.4 Conditions and principles

(a) The board shall adhere to all of the following conditions and principles when isolating or quarantining individuals or a group of individuals:

1. The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.

2. Isolated individuals shall be confined separately from quarantined individuals.

3. The health status of isolated or quarantined individuals shall be monitored regularly to determine if the individuals require further or continued isolation or quarantine.

4. If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, the individual shall be promptly removed to isolation.

5. Isolated or quarantined individuals shall be immediately released when the board determines that the individuals pose no substantial risk of transmitting a communicable or possibly communicable disease.

6. The board shall address the needs of isolated or quarantined individuals in a systemic and competent fashion including, but not limited to, providing adequate food; clothing; shelter; means of communicating with those in and outside of isolation or quarantine;

medication; and competent medical care.

7. The premises used for isolation or quarantine shall be maintained in a safe and hygienic manner and shall be designed to minimize the likelihood of further transmission of infection or other harm to isolated or quarantined individuals.

8. To the extent possible, the board shall consider cultural and religious beliefs in addressing the needs of individuals in isolation and quarantine.

1.5 Isolation or quarantine premises

(a) The board shall prominently identify sites of isolation or quarantine with isolation or quarantine signs posted on all sides of the building wherever access is possible.

(b) An individual subject to isolation or quarantine shall obey the rules and orders of the board and shall not go beyond the isolation or quarantine premises without appropriate authorization and only while using appropriate infection control precautions to protect unexposed individuals.

(c) The Department or the board may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

(d) No individual, other than an individual authorized by the Department or the board, shall enter isolation or quarantine premises.

1. If the Department or the board has requested the assistance of law enforcement in enforcing the isolation or quarantine, the department or the board shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.

(e) Any individual entering an isolation or quarantine premises with or without authorization of the Department or the board may be isolated or quarantined pursuant to this rule and N.J.A.C. 8:57-1.11.

1.6 Isolation and quarantine

(a) The board may:

1. Isolate individuals who are presumably or actually infected with a quarantinable disease;

2. Quarantine individuals who have been exposed to a quarantinable disease;

3. Establish and maintain places of isolation and quarantine; and

4. Adopt emergency rules and issue orders as necessary to establish, maintain, and enforce

isolation or quarantine.

(b) The board may temporarily isolate or quarantine an individual or groups of individuals through a verbal order, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the board's ability to prevent or limit the transmission of a communicable or possibly communicable disease to others.

1. If the board imposes temporary isolation or quarantine of an individual or groups of individuals through a verbal order, the board shall issue a written order as soon as is reasonably possible and in all cases within 24 hours of issuance of the verbal order if continued isolation or quarantine is necessary to prevent or limit the transmission of a communicable or possibly communicable disease.

(c) The board may isolate or quarantine an individual or groups of individuals through a written order issued pursuant to this rule.

1. The written order shall include all of the following:

i. The identity of the individual, individuals, or groups of individuals subject to isolation or quarantine;

ii. The premises subject to isolation or quarantine;

iii. The date and time at which isolation or quarantine commences;

iv. The suspected communicable disease;

v. A description of the less restrictive alternatives that the board attempted without success, or the less restrictive alternatives considered and rejected, and the reasons the board rejected such alternatives;

vi. A statement of compliance with the conditions and principles for isolation and quarantine specified in section 1.4;

vii. The legal authority under which the board requested the order;

viii. The medical basis upon which isolation or quarantine is justified;

ix. A statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to section 1.7 and the rights of individuals and groups of individuals subject to quarantine and isolation as listed in section 1.8; and

x. A copy of this rule.

2. The board shall provide a copy of the written order to the individual to be isolated or quarantined within 24 hours of issuance of the order in accordance with any applicable

process authorized by New Jersey law.

i. If the order applies to a group or groups of individuals and it is impractical to provide individual copies, the board may post the order in a conspicuous place in the isolation or quarantine premises.

1.7 Appeal from order imposing isolation or quarantine

(a) The subject of a board order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten days of receipt of the written order.

1. The subject shall address the appeal to [insert name of board and board address].
2. Unless stayed by order of the board or court with jurisdiction, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of upon its merits.

(b) The appeal proceeding shall be conducted in accordance with this rule [or insert specific board rule governing appeal proceedings].

1. The board shall hold the proceeding as soon as is practicable, and in no case later than ten days from the date of receipt of the appeal.
2. The board may hold the hearing by telephonic or other electronic means if necessary to prevent additional exposure to the person with the communicable or possibly communicable disease.
3. In extraordinary circumstances and for good cause shown, the board may continue the proceeding date for up to ten days, giving due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence.
4. At the appeal proceedings, the subject of the appeal shall have the right to introduce evidence on all issues relevant to the order.
5. The board, by majority vote, may modify, withdraw, or order compliance with the order under appeal.

(c) The aggrieved party to the final decision of the board may petition for judicial review of that action by filing an action in the appropriate court with jurisdiction.

1. Petitions for judicial review shall be filed within 30 days after the decision becomes final.

(d) The board acknowledges that in certain circumstances the subject or subjects of a board order may desire immediate judicial review of a board order in lieu of proceeding with the board's appeal process.

1. The board may consent to immediate jurisdiction of a court with jurisdiction when requested by the subject or subjects of a board order and justice so requires.
2. Unless stayed by order of the board or a court with jurisdiction, the written order for quarantine or isolation shall remain in force and effect until the judicial review is finally determined and disposed of upon its merits.

1.8 Rights of individuals and groups of individuals subject to isolation or quarantine

(a) Any individual or group of individuals subject to isolation or quarantine shall have the following rights:

1. The right to be represented by legal counsel;
2. The right to be provided with prior notice of the date, time, and location of any hearing;
3. The right to participate in any hearing, which could be by telephonic or electronic means;
4. The right to respond and present evidence and argument on the individual's own behalf in any hearing;
5. The right to cross-examine witnesses who testify against the individual; and
6. The right to view and copy all records in the possession of the board which relate to the subject of the written order.

1.9 Consolidation of claims

(a) In any proceeding brought pursuant to this rule, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence, the board or court with jurisdiction may order the consolidation of individual claims into group claims, if all of the following conditions exist:

1. The number of individuals involved or to be affected is large enough that consolidation would be best use of resources;
2. There are questions of law or fact common to the individual claims or rights to be determined;
3. The group claims or rights to be determined are typical of the affected individuals' claims or rights; and
4. The entire group will be adequately represented in the consolidation.

1.10 Implementation and enforcement of isolation and quarantine

(a) The Department has primary jurisdiction to isolate or quarantine individuals or groups of individuals if the communicable disease has affected more than one county or has multicounty, statewide, interstate or public health emergency implications.

1. If the Department imposes isolation or quarantine, the board may not alter, amend, modify, or rescind the isolation or quarantine order.

(b) If the Department imposes isolation or quarantine the local boards of health and the local health departments in the affected areas shall assist in the implementation of the isolation or quarantine order.

(c) Any individual who violates a lawful board or Department order for isolation or quarantine, whether written or verbal, shall be subject to a penalty pursuant to N.J.S.A. 26:4-129.

(d) The board may file a civil action in accordance with New Jersey law in a court with jurisdiction to enforce a board order for isolation or quarantine.