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Gallatin City-County Health Department

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EXTENSION OF EMERGENCY LOCAL HEALTH RULE RELATING TO COVID-19 EHR-2020-002-A QUARANTINE AND ISOLATION

WHEREAS, the World Health Organization has declared the worldwide outbreak of COVID-19 Novel Coronavirus a pandemic;

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can easily spread from person-to-person;

WHEREAS, the Centers for Disease Control and Prevention (CDC) identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high" and has advised that person-to-person spread of the COVID-19 will continue to occur globally, including within the United States, Montana, and Gallatin County, Montana;

WHEREAS, the circumstances of this outbreak may exceed the capacity of the services, personnel, equipment, supplies and facilities of Gallatin County;

WHEREAS, President Donald Trump declared a nationwide emergency related to COVID-19 on March 13, 2020 via presidential proclamation;

WHEREAS, Montana Governor Steve Bullock has declared a state of emergency in Montana due to the global outbreak of COVID-19 through Executive Orders 2-2020 and 3-2020;

WHEREAS, on March 18, 2020, the Gallatin County Board of County Commissioners proclaimed a state of emergency in Gallatin County, Montana due to the COVID-19 pandemic;

WHEREAS, the age, condition, and health of a significant portion of the population of Gallatin County is at risk of serious health complications, including death, from COVID-19, and symptomatic persons, including persons with mild symptoms, and asymptomatic persons with COVID-19 place other vulnerable members of the public at significant risk;

WHEREAS, a large surge in the number of persons with COVID-19 may compromise the ability of the regional healthcare system to deliver necessary healthcare to the public and exceed the capacity of the services, personnel, equipment, supplies and facilities of Gallatin County;

WHEREAS, there may be numerous individuals in Gallatin County who have been potentially exposed to COVID-19, are symptomatic, and should voluntarily quarantine while waiting for test results to avoid potentially exposing others;

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WHEREAS, recognizing these public health risks, the Gallatin City-County Health Officer (“Health Officer”) adopted Health Officer Order (HO) 2020-002 on April 7, 2020, requiring quarantine and isolation measures for individuals in Gallatin County who have been exposed to or who have contracted COVID-19;

WHEREAS, the Gallatin City-County Board of Health (“Board”) adopted Emergency Local Health Rule (EHR) 2020-002 on April 15, 2020, similarly requiring quarantine and isolation measures in Gallatin County relating to COVID-19;

WHEREAS, HO-2020-002 and EHR-2020-002 require all persons with COVID-19 symptoms who have a test result for COVID-19 pending, or who have been identified as a close contact of someone who is a known case for COVID-19, to quarantine in their home or in a government directed or publicly provided location;

WHEREAS, HO-2020-002 and EHR-2020-002 further require that all individuals in Gallatin County who test positive for COVID-19 enter and remain in isolation until released by Gallatin City-County Health Department staff and in accordance with current CDC guidelines;

WHEREAS, pursuant to its terms and to Section 5.2 of Chapter 1, Gallatin City-County Health Code, EHR-2020-002 expired ninety days after its adoption on July 14, 2020;

WHEREAS, Gallatin County continues to experience ongoing increases in the number of laboratory-confirmed cases of COVID-19 and is expected to continue identifying cases for months to come;

WHEREAS, the Board therefore desires to readopt and extend EHR-2020-002 for an additional ninety-day period, ending on October 22, 2020;

WHEREAS, pursuant to § 50-2-116(1)(f), MCA, the Gallatin City-County Board of Health (Board) has the duty to “identify, assess, prevent, and ameliorate conditions of public health importance through: (i) epidemiological tracking and investigation; (ii) screening and testing; (iii) isolation and quarantine measures; (iv) diagnosis, treatment, and case management; (v) abatement of public health nuisances; (vi) inspections; (vii) collecting and maintaining health information; (viii) education and training of health professionals; or (ix) other public health measures as allowed by law”;

WHEREAS, pursuant to Section 50-2-116(1)(g), MCA, the Gallatin City-County Board of Health has the duty to “protect the public from the introduction and spread of communicable disease or other conditions of public health importance, including through actions to ensure the removal of filth or other contaminants that might cause disease or adversely affect public health”;

WHEREAS, Section 50-1-101(2), MCA, defines a “condition of public health importance” as “a disease, injury, or other condition that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community;”

WHEREAS, pursuant to § 50-2-118, MCA, a local health officer in carrying “out the purpose of the public health system . . . shall . . . (2) take steps to limit contact between people in order to

protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and cancelling events”, and “(5) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated”;

WHEREAS, per Chapter 1, Section 5 of the Gallatin City-County Health Code, the Board may adopt an Emergency Local Health Rule when it finds the rule: (1) “must be adopted to deal with an emergency situation affecting the public, health, safety, or welfare;” (2) “the emergency cannot be averted or remedied by any other administrative act;” and (3) at least two-thirds of the Board votes to approve the rule;

WHEREAS, per Section 50-2-116, MCA, COVID-19 is a condition of public health importance that must be prevented and ameliorated through isolation and quarantine measures, and the public must be protected from the introduction and spread of the communicable disease;

WHEREAS, extending EHR-2020-002 will help preserve critical and limited healthcare capacity in Gallatin County by reducing the spread of COVID-19;

WHEREAS, proactively adopting isolation and quarantine measures to slow the spread of the virus is in the best interests of Gallatin County and its citizens;

WHEREAS, the spread of COVID-19 constitutes a public health emergency and poses an imminent threat to the public health and, consequently, actions must be taken to avert and minimize the outbreak of this communicable disease;

WHEREAS, the requirements of EHR-2020-002 are reasonable and necessary to address public health needs, specifically to maintain health and to control and prevent the spread of a contagious and infectious disease throughout Gallatin County due to COVID-19; and

WHEREAS, for the foregoing reasons, the Board finds, pursuant to Chapter 1, Section 5 of the Gallatin City-County Health Code, that Emergency Local Health Rule 2020-002 must be readopted and extended to deal with an emergency situation affecting the public health, safety, or welfare, and this emergency cannot be averted or remedied by any other administrative act.

NOW, THEREFORE, EFFECTIVE IMMEDIATELY, Emergency Local Health 2020-002 and all of its terms are readopted and extended for an additional ninety (90) days, ending on October 22, 2020.

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DATED this 24th day of July, 2020.

Becky Franks

Becky Franks, Chair
Gallatin City-County Board of Health

ATTEST:

Eric Semerad

Eric Semerad, Clerk & Recorder

