

Description		
Date	05/04/2009	Location Board Of Health
Time	Speaker	Note
11:03:46 AM		Board Members Present: Eric Bryson; Berk Knighton; Laura Larsson; Brian Leland; Bill Murdock; Gretchen Rupp; Buck Taylor Excused Member: Barbara Vaughn Staff: Stephanie Murphy; Stephanie Nelson; Nancy Rangel
11:03:46 AM		Meeting Called to Order
11:03:48 AM		Audio Disclaimer
11:03:57 AM		Public Comment on a Non-agenda Item - None
11:03:59 AM		Consent Agenda
11:04:10 AM	Motion	Eric made a motion to adopt the consent agenda as presented.
11:04:17 AM	Second	Bill seconded the motion.
11:04:22 AM	Vote	<u>Roll Call:</u> Brian-yes Gretchen-yes Buck-yes Eric-yes Laura-yes Berk - yes Bill - yes The motion passed unanimously.
11:05:15 AM		Regular Agenda
11:05:16 AM		Update on H1N1 Influenza Situation
11:07:12 AM	Stephanie Nelson	Stephanie informed the Board on the current status of flu and what is being done locally.
11:08:30		The state public health lab has found no H1N1 influenza virus

AM		in Montana as of yet, although "regular" influenza has been reported.
11:11:20 AM		The World Health Organization (WHO) has not raised the pandemic alert from 5 to 6.
11:12:33 AM		The Health Department has communicated with our partners, i.e., daycares, schools, hospitals, etc. and with the United Health Command (UHC).
11:16:54 AM		Approval of Gallatin City-County Health Board Quarantine and Isolation Policy
11:17:11 AM		Bill asked the Deputy County Attorney how a quarantine becomes effective today without this document?
11:17:24 AM	Chris Gray	Chris advised that no policy has been adopted by the Board. According to his research, the 2007 legislature updated the general authorities of Health Boards with the addition of language in the powers and duties of the local Health Officer to establish and maintain quarantine and isolation measures as adopted by the local Board of Health. He advised that a Quarantine and Isolation policy needs to be adopted by this Board. He has reviewed the policy before the Board today and is comfortable working with it.
11:19:10 AM	Bill	Bill is not comfortable with the Health Officer making the call as to when to issue a quarantine order versus the Board. He prefers the Board make the call and the Health Officer acting through the Board's approval.
11:19:50 AM	Eric	Eric had some specific suggestions to the policy. Relying on the expertise of professionals in the Health Department, specifically the Health Officer, he sees the Health Officer initiating the process with some evaluation and approval by the Board after the initial identification. He referred to page16, Section 6.0, and wants this part to be rewritten so that the Board of Health is notified of every issuance of quarantine or isolation order. Eric adds that this change would also affect Section 6.2 regarding notifying the Board upon issuing a large-scale isolation or quarantine order.
11:21:10 AM		Board discussion on Section 6.2.
11:29:33 AM		Brian noted his concern that a rapid response is not delayed and agreed with the Health Officer reporting back to the Board.
11:30:47 AM		Gretchen does not understand Bill's concern and feels the Health Officer should be able to make a decision based on knowledge of communicable diseases versus the Board of Health. She also expressed her concern for a rapid response.

		She would like to empower the Health Officer to make the call, notify the Board promptly, and convene a Board meeting as necessary.
11:32:11 AM		Burke appreciates the need for a rapid response, and feels notification is sufficient.
11:33:05 AM		Buck asked Deputy County Attorney Gray, are there other local quarantine policies or protocols that could lend guidance to this? Any contingency if the Health Officer is unavailable or a replacement Health Officer is not yet seated?
11:33:36 AM	Chris	Deputy County Attorney Gray responded that the current draft policy comes from Missoula and Yellowstone Counties. If the Health Officer is absent, her authority is delegated to program directors and Chris advised the Board to affirm that contingency in the interim period where a Health Officer was not appointed.
11:34:57 AM		Section 7.0 refers to the Health Officer and Brian suggested the term be Local Health Officer throughout the document.
11:35:27 AM	Stephanie	Stephanie suggested to include a definition of a local board of health that comes from statute. Regarding large and or small events, Stephanie suggested changing the wording to what is already in statute, which would be "condition of public health importance". What's most important in this policy is that when individuals are placed in isolation and quarantine, it is done with due process.
11:37:36 AM		Eric suggested 6.1 to read, "Upon issuance of an individual or large-scale isolation or quarantine order, the local health officer shall notify the Board of Health, state epidemiologist and the county attorney. " That would eliminate Section 6.2, 6.3 would be renumbered to 6.2 with no changes, 6.4 would be renumbered to 6.3, which would read, "The Board of Health shall review quarantine or isolation orders within a reasonable time after the order is issued." The Board of Health has an obligation to meet and review the orders as someone's ability to travel, to move and their freedoms are being taken away, so the Board must meet in short order as necessary. Empower the Health Officer to issue the orders but final review comes before the Board.
11:39:02 AM		Board discussion on Eric's definition of review.
11:39:21 AM		Bill proposed under Section 7.0, Due Process, since it is not quick or practical to do just a judicial review: The Board of Health shall have that unless we review and either impose a quarantine because there should be one, or that we could remove it upon review. Bill defines review as approve versus

		disapprove
11:40:07 AM	Chris	The Deputy County Attorney responded with a scenario that showed a political decision being made on a medical call. He advised to make a legal decision for the court.
11:42:28 AM	Stephanie	<p>Isolation or quarantine would only occur if there was a confirmed case or if the case was not confirmed, it was a contact and so talking quarantine instead of isolation.</p> <p>Quarantine is when an individual has been exposed and reasonable evidence to demonstrate because of severity of disease, that this person may come down with a communicable disease. Based on science, there are protocols and steps taken to prevent the spread of communicable disease.</p> <p>Isolation is a confirmed case of a communicable disease. The statutes are clear that steps must be taken to prevent the spread of communicable disease. There are rules, disease specific, that demonstrate what steps must be taken to prevent the communicable disease.</p>
11:44:58 AM		Eric added that notification to the Board is important. He noted that Process, Section 1.0, empowers the Health Officer, by default, to assume that people have the disease until it is ruled out. This empowers the Health Officer to issue the orders. This is an important provision to take into consideration. Eric noted a review process is needed and the Board of Health needs to step up to the plate and convene to discuss.
11:45:56 AM		Board discussion on Board notification.
11:47:27 AM	Stephanie	Stephanie clarified that what they are talking about on 6.0 is situations where there is a need for a written order.
11:48:09 AM	Brian	Brian asked Chris about Section 7.1, could the Board include judicial review as provided by state law and add independent of 6.4 to allow them to proceed with judicial review without exhausting the review of the Board of Health?
11:48:44 AM	Chris	Add a sentence to the end of 7.1 "does not require exhaustion of review by the Board of Health. Chris proposed the new 6.3 as set forth by commissioner Bryson, "the local health officer shall present to the local Board of Health the facts and circumstances of any quarantine and isolation orders within a reasonable time after the order is issued." The Board could convene, if not an emergent situation, at next meeting for the Health Officer to present the information as

		to why the orders were put into place. Can take the word "review" out and provide an open forum to understand why an order was issued. This makes clear that orders are the focus and not the everyday business of investigation. Therefore, it is not necessary to have the exhaustion language added.
11:50:29 AM	Motion	Eric made a motion to approve the City-County Board of Health Quarantine and Isolation Policy with the following changes to 6.0: 6.1 - "Upon issuing an individual or large-scale isolation or quarantine order, the local health officer shall notify the Board of Health, state epidemiologist and the county attorney. " 6.2 - to be stricken 6.3 - renumbered to 6.2 with no changes 6.4 - renumbered to 6.3 with the following language provided by Chris Gray
11:51:39 AM	Chris	6.3 - The local health officer shall present the Board of Health the facts and circumstances of any quarantine or isolation order within a reasonable time after the order is issued."
11:51:50 AM	Second	Buck seconded the motion.
11:51:59 AM		Brian suggested changing any mention of Health Officer to Local Health Officer, any reference to Health Board be changed to Board of Health, and the inclusion of a definition on Board of Health to be the Gallatin City-County Board of Health.
11:52:29 AM		Laura asked about the County Public Health Emergency Response Plan and the Gallatin County Disaster Plan - are they two different plans? Stephanie responded that these are two different plans.
11:52:44 AM	Chris	Chris advised that if the Board is entertaining a motion to amend, the Health Officer indicated two changes would also be added: 1) the statutory definition of Local Board of Health and 2) the definition of condition of public health importance.
11:53:17 AM	Stephanie	Use contemporary definition and strike out large scale.
11:53:37 AM	Chris	Chris advised the Board must be very exact during this legislating and amendments from the floor. Tell us where the definition is in state law so we can adequately amend the policy.

11:53:49 AM		Laura suggested staying with changes to 6.0 and then go forward. Board discussion on how to move forward.
11:56:37 AM	Vote	<p>Approving the motion to change 6.0 as described by Commissioner Bryson and Deputy Attorney Chris Gray -</p> <p><u>Roll Call:</u></p> <p>Brian-yes Gretchen-yes Buck-yes Eric-yes Laura-yes Berk - yes Bill - no</p> <p>The motion passed.</p>
11:57:28 AM	Motion	Brian made a motion to provide a definition of Board of Health as being the Gallatin City-County Board of Health; that all references to Board of Health or Health Board be modified to read simply Board of Health; and
11:57:42 AM		Stephanie suggested to take the definition out of Title 50 for Boards of Health, which is Title 51.101.7 Local Board of Health or Local Board means a city-county or district Board of Health.
11:58:06 AM	Motion, cont'd	Brian made a motion that Board of Health means City-County Board of Health; and where Health Officer is mentioned that it be changed to the Local Health Officer for consistency throughout the document.
11:58:53 AM	Second	Buck seconded
11:58:59 AM		Chris reminded the Board of the last definition, "condition of public health importance" on page 11 of the packet. Stephanie noted this definition is in Title 50.101.2
12:00:31 PM		Board discussion on motion.
12:01:17 PM	Motion Withdrawn	Brian withdrew the motion. Where HO or local HO is mentioned, the word ho and the definition of local ho
12:01:53 PM		Chris suggested adding to the to 'Local Health Officer' definition section a sentence to say 'Health Officer' shall mean Local Health Officer.
12:02:14 PM	Motion	Brian made a motion to add to the 'Local Health Officer' definition section a sentence to say 'Health Officer' shall mean

		Local Health Officer and also include the definition of Board of Health as the Gallatin City-County Board of Health; therefore modifying any place in the document where Board of Health or Health Board is written to read Board of Health.
12:02:41 PM	Second	Laura seconded the motion.
12:02:54 PM	Vote	<p><u>Roll Call:</u></p> <p>Brian-yes Gretchen-yes Buck-yes Eric-yes Laura-yes Berk - yes Bill - yes</p> <p>The motion passed unanimously.</p>
12:03:11 PM		Meeting adjourned