



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

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

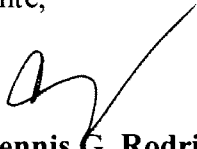
Dear Speaker Won Pat:

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

2012 OCT 24 PM 1:23



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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.




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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



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						



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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 Tajjeron	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.



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

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?



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

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



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ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

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

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

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

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

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

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

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

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

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

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

Exhibit “A”

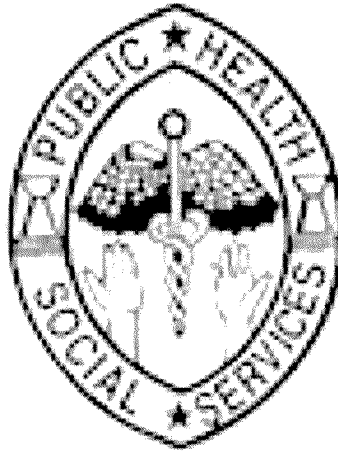
Title 26 Guam Administrative Rules and Regulations

Division 1

Chapter 10

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GUAM



Procedures for Isolation and Quarantine

[Rule Making Authority Pursuant to

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

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I. Introduction:

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

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

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

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

E. Assumptions:

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

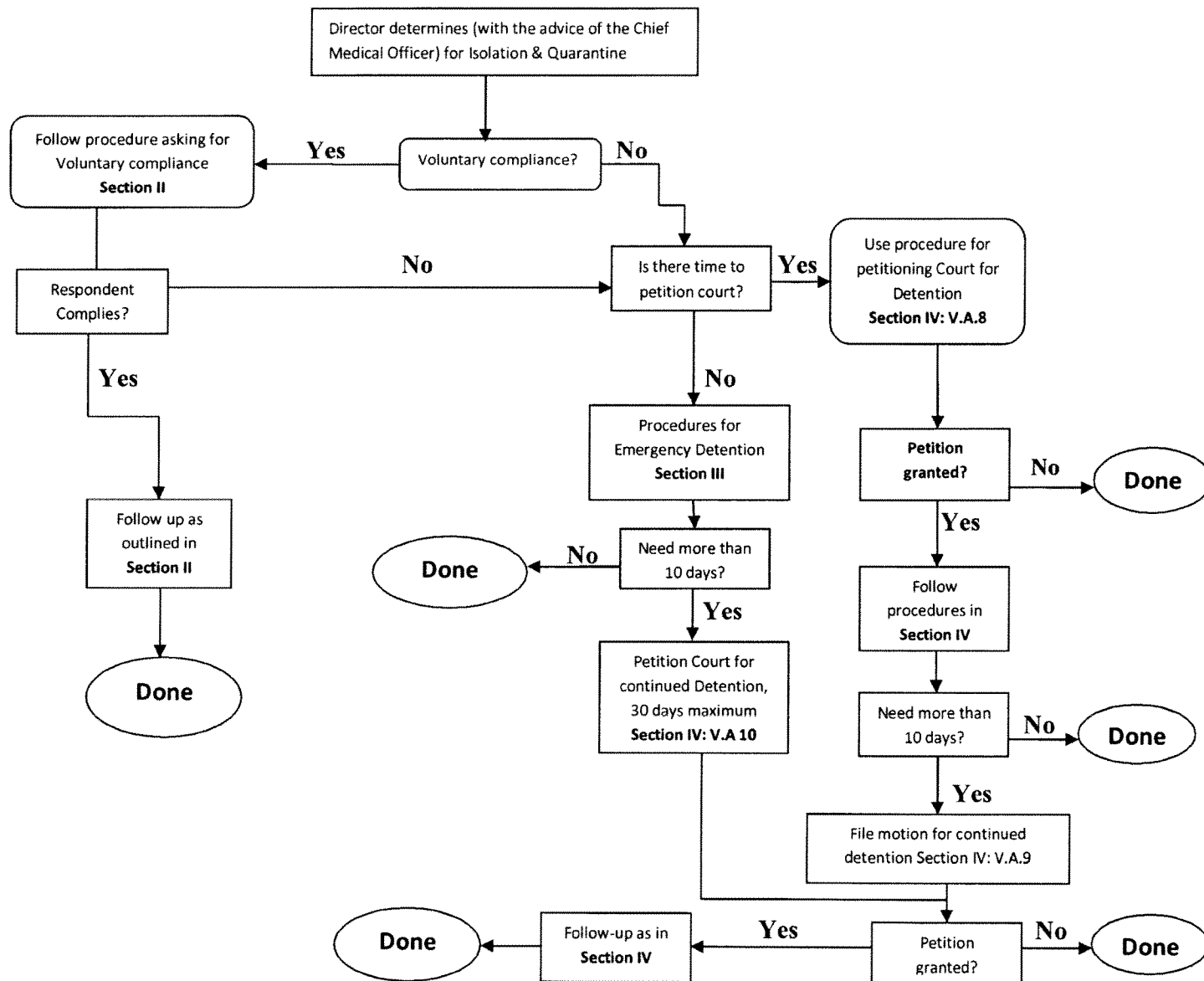
Approved:

Director, DPHSS

Attachments

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

Isolation and Quarantine Flowchart



USE OF FORMS:

Voluntary Compliance:

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

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

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

Emergency Detention Order:

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

Petition for Judicial Detention:

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

Continued Detention:

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

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

USE OF ISOLATION OR QUARANTINE LEGAL DOCUMENTS PROCESS CHART

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

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

Options for Non-compliance

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

To Extend Isolation or Quarantine Period

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

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

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

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

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

II. AUTHORITY:

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

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

III. USE OF VOLUNTARY ISOLATION

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

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

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

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

IV. PROCEDURE FOR VOLUNTARY ISOLATION:

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

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

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

V. PROCEDURE FOR RELEASE FROM VOLUNTARY ISOLATION

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

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

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

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

Approved:

Director, GDPHSS

Attachments:

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

Date: _____

Addressee
Mailing/Delivery Address

Dear _____,

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

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

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

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

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

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

Sincerely,

Director, GDPHSS

VOLUNTARY ISOLATION ACKNOWLEDGMENT

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

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

DATED this _____ **day of,** 20 _____

[Sign name]

[Print name]

[Date of birth]

[Social security number]

COMPLETION OF ISOLATION /QUARANTINE CLEARANCE FORM

Date _____

To Whom It May Concern:

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

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

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

Sincerely

Director, GDPHSS

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

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

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

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

II. AUTHORITY:

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

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

III. PROCEDURE FOR DETERMINING NEED FOR EMERGENCY DETENTION ORDERS:

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

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

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

IV. USE OF EMERGENCY DETENTION ORDERS:

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

V. RELIEF FROM EMERGENCY DETENTION ORDERS:

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

VI. PROCEDURE FOR EXECUTING EMERGENCY DETENTION ORDER:

A. Internal Steps for Executing Emergency Detention Order:

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

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

B. Intergovernmental Coordination:

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

VII. PROCEDURE FOR RELEASE FROM EMERGENCY DETENTION:

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

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

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

Approved:

Director, DPHSS

Attachments:

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

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

Name of individual or Group: _____

Date: _____

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

YES / NO

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

YES / NO**OR**

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

YES / NO

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

YES / NO

Individual Making Determination: _____

Date: _____

Signature: _____

EMERGENCY INVOLUNTARY DETENTION ORDER

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

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

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

(OR)

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

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

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

NOTICE TO PERSONS DETAINED BY THIS ORDER

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

CONFIDENTIAL SCHEDULE

ATTACHED TO EMERGENCY INVOLUNTARY DETENTION ORDER

Protected under the Health Care Information Act, HIPPA

Name(s)	Address	Identity in Pleadings
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Location of Detention

COMPLETION OF ISOLATION /QUARANTINE CLEARANCE FORM

Date _____

To Whom It May Concern:

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

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

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

Director
GDPHSS

PROCEDURE: PETITIONING SUPERIOR COURT FOR INVOLUNTARY DETENTION**I. DEFINITIONS:**

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

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

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

II. AUTHORITY:

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

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

III. PROCEDURE FOR DETERMINING NEED FOR INVOLUNTARY DETENTION ORDERS:

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

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

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

IV. WHEN TO PETITION THE SUPERIOR COURT:

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

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

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

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

V. PROCEDURE FOR PETITIONING THE SUPERIOR COURT:

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

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

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

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

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

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

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

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

VI. PROCEDURE FOR RELEASE FROM INVOLUNTARY DETENTION:

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

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

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

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

Approved:

Director
Guam DPHSS
Attachments:

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

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

Name of individual or Group: _____

Date: _____

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

YES / NO

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

YES / NO

OR

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

YES / NO

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

YES / NO

Individual Making Determination: _____

Date: _____

Signature: _____

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Territory of Guam
Superior Court of Guam

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

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

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

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

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

3. FACTUAL ALLEGATIONS:

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

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

PETITION FOR EX PARTE ORDER
WHEN VOLUNTARY DETENTION
REFUSED

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

2

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

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

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

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

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

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

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Attorney's Name

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Attorney for DPHSS, Guam

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PETITION FOR EX PARTE ORDER
WHEN VOLUNTARY DETENTION
REFUSED

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**Territory of Guam
Superior Court of Guam**

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

NO: _____
DECLARATION IN SUPPORT OF PETITION
FOR EX PARTE AUTHORIZING
INVOLUNTARY DETENTION FOR
QUARANTINE OR ISOLATION

_____ declares:

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

DECLARATION SUPPORTING
EX PARTE DETENTION PETITION

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

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

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

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

DATED this _____ day of _____, 20__

Insert Full Name

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

DECLARATION SUPPORTING EX
PARTE DETENTION PETITION

CONFIDENTIAL SCHEDULE

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

Protected under the Health Care Information Act, HIPPA

Name(s)

Address

Identity in Pleadings

Location of Detention

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**Territory of Guam
Superior Court of Guam**

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

NO: _____
SUMMONS

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

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

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

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

DATED this ____ day of _____, 20 ____.

Attorney's Name
Attorney for DPHSS, GUAM

SUMMON

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**Territory of Guam
Superior Court of Guam**

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

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

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

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

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

Based on the above findings, IT IS ORDERED

EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

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

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

13 **DATED** this _____ day of _____, 20__.

16 _____
17 JUDGE

19 Presented by: .
20 _____

21 Attorney's Name
22 Attorney for DPHSS, GUAM
23 License number:
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EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

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**Territory of Guam
Superior Court of Guam**

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

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

COMES NOW _____, Director for the Department of Public Health & Social Services, by and through his/her attorney, _____ and asks this court for an order authorizing extension of the period for involuntary detention for quarantine or isolation. On _____, this court issued an, ex parte order authorizing involuntary detention for quarantine or isolation based on the petition submitted by _____ the Director. The order issued on _____ authorized involuntary detention for quarantine or isolation of respondent(s) at the location specified on the Confidential Schedule from _____, 20____ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM. This motion asks the court to extend the period of detention for quarantine or isolation of respondent(s) up to an additional thirty days. The local health jurisdiction is in full compliance with the isolation and quarantine principles and conditions contained in Public Law: 22-130. This motion is based on P.L:22-130 the pleadings, record and file herein, and the declaration of _____, attached hereto.

DATED this ____ day of _____, 20__.

Attorney's Name
Attorney for DPHSS, Guam

MOTION FOR CONTINUATION
OF DETENTION

**Territory of Guam
Superior Court of Guam**

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

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

_____ declares:

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

MOTION FOR CONTINUATION OF
DETENTION

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

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

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

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

DATED this _____ day of _____, 20__ .

[Insert full name]

Signed this _____ day of _____ 20__

at _____, GUAM

CONFIDENTIAL SCHEDULE

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

Protected under the Health Care Information Act, HIPPA

Name(s)

Address

Identity in Pleadings

Location of Detention

MOTION FOR CONTINUATION OF
DETENTION

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Territory of Guam
Superior Court of Guam

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

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

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

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

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

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

1.3 Respondent(s)' identity (ies) and location of isolation and quarantine should be kept confidential to protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164) and Public Law: 22-130

Attorney's Name
Attorney for DPHSS, Guam

MOTION FOR CONTINUATION
OF DETENTION

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Based on the above findings, IT IS ORDERED

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

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

DATED this _____ day of _____, 20__.

JUDGE

Presented by:

[Attorney's Name]
Attorney for DPHSS, GUAM

Date: _____

To Whom It May Concern:

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

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

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

Sincerely

Director
DPHSS, GUAM

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**Territory of Guam
Superior Court of Guam**

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

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

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

- 1. JURISDICTION: This petition is requested under authority of section § 3333 of Ch:3- Public Law 22-130
- 2. IDENTITY PARTIES: _____, is the Director of the Department of Public Health & Social Services with Office located at 123, Chalan Kareta, Mangilao, Guam
Respondent(s) and their location are identified in the attached Confidential Schedule.
- 3. FACTUAL ALLEGATIONS
 - a. On _____, 20____, _____, the Director of DPHSS, issued an emergency order immediately involuntarily detaining the respondent(s) for quarantine or isolation under the authority P.L:22-130
 - b. The emergency order issued on _____, 20____, authorized the involuntary detention for quarantine or isolation of respondent(s) at the location identified on the attached Confidential Schedule from _____, 20__ at _____ o'clock AM/PM to _____,20__ at _____ o'clock AM/PM, no more than ten days.

PETITION FOR CONTINUATION
INVOLUNTARY DETENTION

1 c. The Director has determined or has reason to believe that the respondent(s) is/are, or is/are
2 suspected to be, infected with, exposed to, or contaminated with _____, which could infect or
3 contaminate others if respondent(s) is/are not detained and quarantined or isolated from others
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5 d. The medical basis justifying isolation or quarantine is justified is:
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9 e. The anticipated duration of isolation or quarantine based on the suspected communicable disease or
10 infectious agents is _____ (not to exceed thirty days, not applicable to active TB
cases where the isolation could be much longer).
11

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

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

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

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

23 c. Such other relief as the court deems reasonable and proper.
24
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26 **DATED** this ____ day of _____, 20__.

27 _____
28 Attorney's Name
Attorney for DPHSS, Guam

27 PETITION FOR CONTINUATION OF
INVOLUNTARY DETENTION

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**Territory of Guam
Superior Court of Guam**

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

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

_____ declares:

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

DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

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

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

7
8 9. To protect the public, respondent(s) should be detained in isolation or quarantine at the location
9 specified in the attached Confidential Schedule, unless medical tests or other information conclusively
10 specified in the attached Confidential Schedule, unless medical tests or other information conclusively
11 establishes that he/she /they no longer present a threat to the public health, safety and welfare.

12
13 I declare under penalty of perjury under the laws of the Territory of Guam that the foregoing
14 is true and correct.

15
16 **DATED** this ____ day of _____, 20__.

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19 _____
Insert Full Name
20 Signed this ____ day ____ of 20__.
at _____, GUAM

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DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

CONFIDENTIAL SCHEDULE

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

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

Name(s)

Address

Identity in Pleadings

Location of Detention

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Territory of Guam

Superior Court of Guam

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

NO: _____
SUMMONS

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

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

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

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

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

DATED this ____ day of _____, 20__.

Attorney’s Name
Attorney for DPHSS, GUAM

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**Territory of Guam
Superior Court of Guam**

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

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

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

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

- 1.1. The court has jurisdiction over the person and subject matter in this proceeding.
- 1.2. On _____, 20____, the Department of Public Health and Social Services issued an emergency order involuntarily detaining respondent(s) for isolation or quarantine under the authority of Public Law: 22-130.
- 1.3. The emergency order issued on _____, 20__ authorized the involuntary detention for quarantine or isolation of respondent(s) at the location identified on the attached confidential schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at _____ o'clock AM/PM, no more than ten days (except for active TB cases).

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR QUARANTINE OR
ISOLATION

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

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

7
8
9 Based on the above findings, IT IS ORDERED:

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

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

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

22
23 _____
24 JUDGE

25 Presented by:

26 _____
27 Attorney's Name

Attorney for DPHSS, GUAM

License #

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR QUARANTINE OR
ISOLATION

**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,

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

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

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

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

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

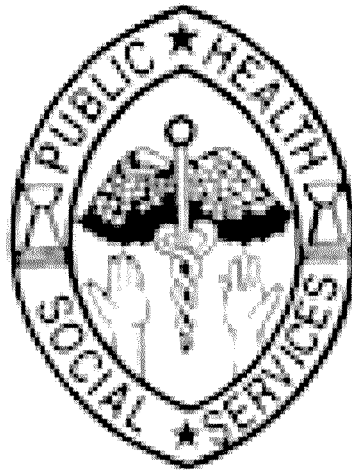
1 given effect without the invalid provisions or application, and to this end the
2 provisions of this Act are severable.

3 **Section 5. Effective Date.** This Act shall become immediately effective
4 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.

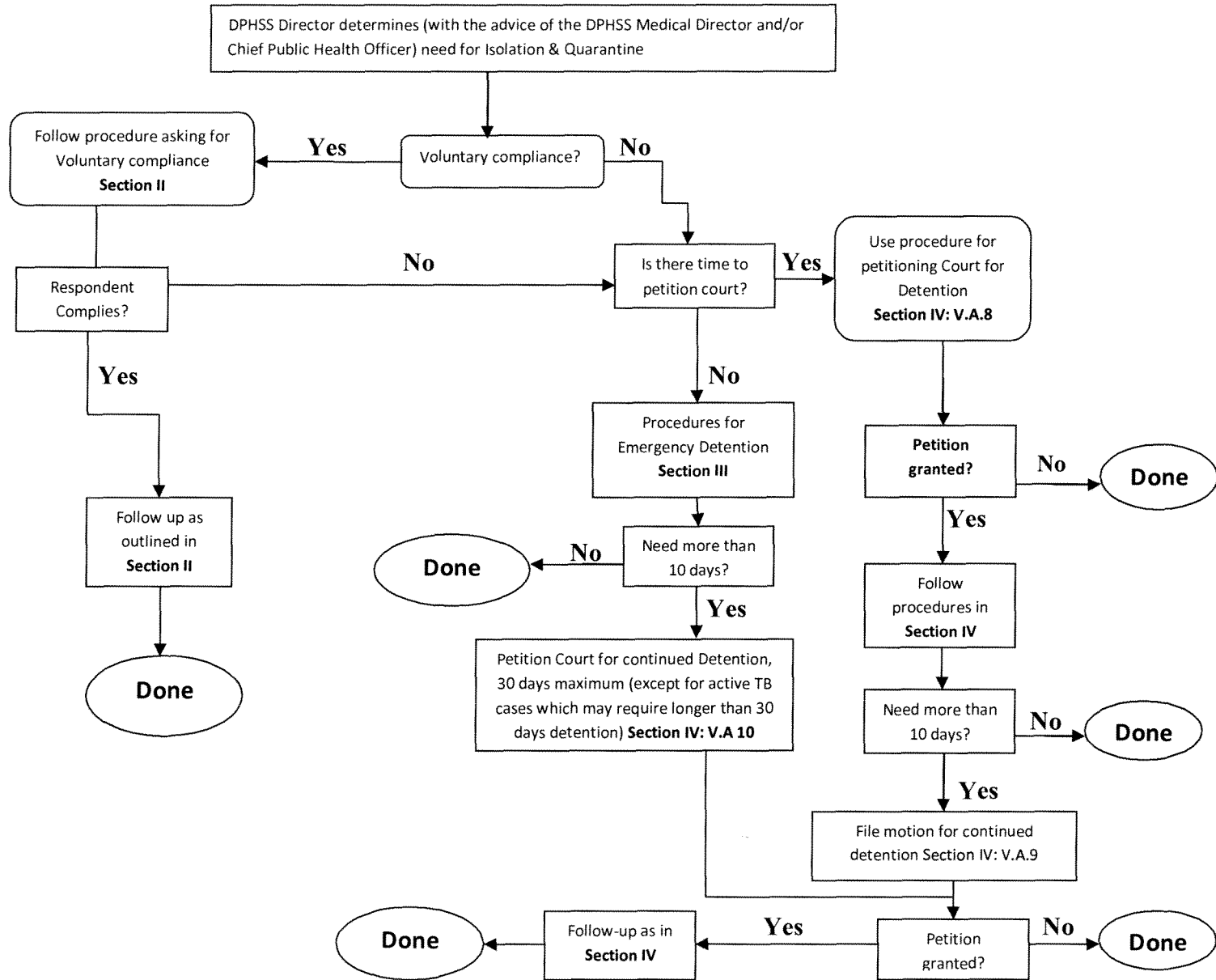
Approved:

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



2
3 USE OF FORMS:

4
5 **Voluntary Compliance:**

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

9
10 Use the “Voluntary Isolation or Quarantine Letter” and “Voluntary Isolation or Quarantine
11 Acknowledgment”, both of which are in the “Letters” folder. If voluntary compliance is effective
12 until the risk is no longer present, use the “Release from Isolation or Quarantine Letter.” [Note:
13 this same letter is also issued following the expiration of detention pursuant to an emergency
14 order and judicial order.]

15
16 If Voluntary compliance is refused, the DPHSS Director with the advice of the DPHSS Medical
17 Director and/or Chief Public Health Officer can either (1) proceed with an Emergency Detention
18 Order, use the “Involuntary Order” folder; or (2) petition the Superior Court of Guam for a
19 judicial order of detention, use the “Judicial Detention when Voluntary Isolation or Quarantine
20 Refused” folder.

21
22 **Emergency Detention Order:**

23 If the DPHSS Director decides to proceed with an Emergency Detention Order, use the DPHSS
24 Director’s “Emergency Detention Order procedure, the guidance is contained in Section III.

25
26 **Petition for Judicial Detention:**

27 If the DPHSS Director under the advice of the DPHSS Medical Director and/or Chief Public
28 Health Officer decides to petition the Superior Court of Guam for an order (without first
29 attempting voluntary compliance), use the “Judicial Detention for Imminent Risk” folder. The
30 guidance is contained in Section IV, Paragraph V.A.8.

31
32 **Continued Detention:**

33 If the DPHSS Director with the advice of the DPHSS Medical Director and/or Chief Public
34 Health Officer determines that more than ten (10) days of isolation or quarantine are needed,
35 application to the Superior Court of Guam can be made for an additional 30 day period (except
36 for active TB cases which may require longer than 30 days detention). The type of application to
37 the court will vary depending on prior action: If the person is being isolated based on an
38 Emergency Detention Order issued by the DPHSS Director; use the “Continued Detention
39 Lawsuit” folder because there has not been prior court involvement, a summons and petition will
40 need to be filed (with the other documents). Guidance is found in Section IV, Paragraph V.A.10.

41
42 If the person is being isolated based on a Judicial Order of Detention issued by the Superior
43 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:
<p>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.</p>	<p>Not as confident the individual will comply with a Voluntary Request for Voluntary Isolation or Quarantine; when the Director believes the formality of the order with police enforcement will better ensure compliance, or there is no time or ability to secure a Court Order (i.e., person ready to leave jurisdiction, need to impose quarantine on a weekend or at night and no pre-arrangements were made to locate a judge in an emergency). Want to avoid court filing fees.</p>	<p>Not confident that individual will comply with either Request or Order; the Director believes that it may be necessary to move to a contempt of court proceeding with the threat of incarceration and/or greater fine to secure the individual; as a supplement to the Order for Involuntary Isolation or Quarantine (both can be obtained, i.e. not mutually exclusive).</p> <p>NOTE: There are two sets of pleadings here – one is for use when no attempt is made to seek voluntary compliance due to the serious and imminent risk to the public. The second set is for use when voluntary compliance was sought, but the individual refused or otherwise indicated that he or she would not comply. P.L:22-130 section § 3309 provides for these two methods, which affects what the Director must include in his or her declaration. That is the reason for the pleadings. Take note of the footer to see which pleading is being used.</p>

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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

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To Extend Isolation or Quarantine Period

67 Note: Both the DPHSS Director's Order and Court Order described above are valid for a
68 maximum of ten days isolation or quarantine. If the Director needs to extend the isolation or
69 quarantine beyond ten days, only the Superior Court of Guam may order an extension for up to
70 thirty days (except for active TB cases which may require longer than 30 days detention). If the
71 individual is voluntarily complying, then the DPHSS Director may request the individual to
72 continue in isolation/quarantine on a voluntary basis without seeking an order from the Court.
73 There is **no** DPHSS Director's Order extending an involuntary isolation or quarantine in P.L:22-
74 130.

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95 Section II. Procedure for Requesting Voluntary Isolation or Quarantine

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98 **PROCEDURE: REQUESTING VOLUNTARY ISOLATION OR QUARANTINE P.L:22-**
99 **130**

100 **EFFECTIVE:**

101 **I. DEFINITIONS:**

102
103 **A. Isolation** - the separation, for the period of communicability or contamination, of infected or
104 contaminated persons or animals from others in such places and under such conditions as to
105 prevent or limit the direct or indirect transmission of the infectious agent or contaminant from
106 those infected or contaminated to those who are susceptible or who may spread the agent or
107 contaminant to others. Chapter 3; §3301(b)

108
109 **B. Quarantine:** the limitation of freedom of movement of such well persons or domestic animals
110 as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a
111 period of time not longer than the longest usual incubation period of the infectious agent, in such
112 manner as to prevent effective contact with those not so exposed. Chapter 3, §3301(c)

113
114 **C. Suspected to be infected:** for suspected cases means the Department of Public Health and
115 Social Services (DPHSS) Medical Director and/or Chief Public Health Officer, in his or her
116 professional judgment, reasonably believes that infection with a particular infectious agent is
117 likely based on signs and symptoms, laboratory evidence, or contact with an infected individual,
118 animal, or contaminated environment.

119
120 **II. AUTHORITY:**

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

126
127 **B.** Upon the advice of the DPHSS Medical Director and/or Chief Public Health Officer, the
128 DPHSS Director, or his or her designee, may issue an emergency detention order causing a
129 person or group of persons to be immediately detained for purposes of isolation or quarantine or
130 may petition the Superior Court of Guam *ex parte* for an order to take the person or group of
131 persons into involuntary detention for purposes of isolation or quarantine.

132
133 **III. USE OF VOLUNTARY ISOLATION OR QUARANTINE**

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

- 137 1. determined in his or her professional judgment that seeking voluntary compliance would
138 create a risk of serious harm; and
139 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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143 suspected to be, infected with, exposed to or contaminated with a communicable disease or
144 chemical, biological, or radiological agent that could spread to or contaminate others if
145 remedial action is not taken; and
146

- 147 3. Determined that there is a reason to believe that the person or persons would pose a serious
148 and imminent risk to the health and safety of others if not detained for purposes of isolation
149 and quarantine.
150

151 B. If the subject(s) have been non-compliant with voluntary isolation or quarantine and
152 immediate action is believed to be needed, see Section III, Procedure: **“EMERGENCY
153 DETENTION ORDER.”**
154

155 **IV. PROCEDURE FOR VOLUNTARY ISOLATION OR QUARANTINE:**

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

- 159 1. Isolation and Quarantine staff will initiate direct contact with person or persons suspected to
160 be infected.
161 2. Establish new case/contact(s) in Isolation and Quarantine files/records.
162 3. Verbally direct person or persons to voluntarily comply with request for medical
163 examination, testing, treatment, counseling, vaccination, decontamination of persons or
164 animals, isolation, quarantine, inspection and closure of facilities, and to avoid travel by
165 commercial air or commercial sea conveyance. If needed, seek interpreter services.
166 4. Document date and time of verbal contact with person or persons and specific instructions
167 given to person or persons in Isolation and Quarantine File or records.
168 5. Isolation and Quarantine staff will follow up verbal request by *immediately* issuing written
169 request to person or persons and acknowledgment of voluntary isolation form found in
170 **Attachment 1, Section II**. If needed, help can be provided by DPHSS’s legal counsel; seek
171 interpreter services, as appropriate.
172 6. Hand deliver letter and acknowledgment of voluntary isolation or quarantine form to person
173 or persons.
174 7. Document date and time letter was delivered to person or persons in isolation or quarantine.
175 Also document whether or not person signed the acknowledgment of voluntary isolation or
176 quarantine form found in **Attachment 2, Section II**.
177 8. Maintain copy of letter(s) and acknowledgment of voluntary isolation or quarantine form(s)
178 for files.
179 9. Add case contact name(s) to schedule of daily check-in calls.
180 10. Establish an Emergency Call Center if the number of affected parties exceeds the day-to-day
181 capacity of CD/EPI.
182 11. Conduct daily check-in calls to verify person or persons is/are at specified location and to
183 monitor health status. Continue conducting daily check-in calls until such time that person or
184 persons are released from voluntary isolation or quarantine.
185 12. Record any irregularities discovered in check-in calls in Isolation and Quarantine File or
186 Records [*i.e.*, change in health status, not responding to call(s)]
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188 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

Section II. Procedure for Requesting Voluntary Isolation

- 234 b. they are deemed to no longer pose a serious and imminent risk to the health and safety of
- 235 others if released from voluntary isolation or quarantine.
- 236 3. The form is found in **Attachment 3, Section II.**
- 237 4. Courier written statement to person or persons, return receipt requested.
- 238 5. File return receipt(s).
- 239 6. Document date and time letter was delivered to person or persons in the Isolation and
- 240 Quarantine Database
- 241 7. Maintain copy of letter(s) for files.
- 242 8. Inactivate

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247 Approved:

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254 Director, DPHSS

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259 Attachments:

- 260 1. Voluntary Isolation or Quarantine Letter
- 261 2. Acknowledgement of Voluntary Isolation or Quarantine
- 262 3. Release from Voluntary Isolation or Quarantine

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279 Attachment 1, Section II, Procedure for Requesting 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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326
327 On, _____, 20__ , I received a written notice from the Department of Public Health and Social
328 Services (DPHSS) indicating that the Director with the advice of the Medical Director and/or
329 Chief Public Health Officer of the DPHSS requests my voluntary isolation and/or quarantine
330 from the public.

331
332 I have read the notice and the enclosed information carefully and intend to follow the enclosed
333 recommendations. I understand that I will stay home from work, school, child care, and other
334 public areas until I am notified by the DPHSS staff that it is safe to resume my normal activities.
335 Additionally, I will follow any other requests of the DPHSS relating to my isolation and/or
336 quarantine. I understand that if I have any questions regarding my condition, I will **stay where I**
337 **am and call the department at (671) 735-7201 or 735-3062 or 735- 7142.**

338
339
340 **DATED this** _____ **day of,** 20_____

341
342
343
344 _____
345 **[Sign name]**

346
347
348
349 _____
350 **[Print name]**

351
352
353 _____
354 **[Date of birth]**

355
356 _____
357 **[Social security number]**

358
359
360 Attachment 3, Section II, Procedure for Requesting Voluntary Isolation or Quarantine

361
362
363 **COMPLETION OF ISOLATION OR QUARANTINE CLEARANCE FORM**
364
365

Date _____

366
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371

To Whom It May Concern:

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

377
378 DPHSS requested isolation and/or quarantine based on the isolation and quarantine principles
379 and conditions contained in P.L. ????. At the completion of the isolation and/or quarantine
380 period, the activities of the above named individual are no longer restricted and they may return
381 to work, school, and other public activities.

382
383 Attached is a fact sheet about _____. In addition, you may find
384 information about _____ at the CDC website, www.cdc.gov, and the
385 WHO website, www.who.org. You may also call DPHSS at 735- 7102, 735-3602 or 735-7142
386 if you have questions about this letter or about _____.

387

388 Sincerely,

389

390 Director, DPHSS

391

392

393 Section III, Procedure for Executing an Emergency Detention Order

394

395 **PROCEDURE: EMERGENCY DETENTION ORDER [P.L.:22-130]**

396 **EFFECTIVE: March 15, 2011**

397 **I. DEFINITIONS:**

398 **A. Isolation:** the separation, for the period of communicability or contamination, of infected or
399 contaminated persons or animals from others in such places and under such conditions as to
400 prevent or limit the direct or indirect transmission of the infectious agent or contaminant from

401 those infected or contaminated to those who are susceptible or who may spread the agent or
402 contaminant to others. [P.L:22-130 §3301(b)]

403
404 **B. Quarantine:** the limitation of freedom of movement of such well persons or domestic animals
405 as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a
406 period of time not longer than the longest usual incubation period of the infectious agent, in such
407 manner as to prevent effective contact with those not so exposed. [P.L:22-130 §3301(c)]

408
409 **C. Suspected to be Infected:** for suspected cases means the Department of Public Health and
410 Social Services Medical Director and/or Chief Public Health Officer, in his or her professional
411 judgment, reasonably believes that infection with a particular infectious agent is likely based on
412 signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or
413 contaminated environment.

414
415 **II. AUTHORITY:**

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

420
421 B. Upon the advice of the DPHSS Medical Director and/or Chief Public Health Officer, the
422 Director, or his or her delegate, may issue an Emergency Detention Order causing a person or
423 group of persons to be immediately detained for purposes of isolation or quarantine in
424 accordance with law, or may petition the Superior Court of Guam *ex parte* for an order to take
425 the person or group of persons into involuntary detention for purposes of isolation or quarantine
426 in accordance with P.L:22-130 Subsection ??????

427
428 **III. PROCEDURE FOR DETERMINING NEED FOR EMERGENCY DETENTION**
429 **ORDERS:**

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

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438

439 Section III, Procedure for Executing an Emergency Detention Order

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

443
444 C. If you answered NO to any of the questions in Section III, Attachment 1, your responses
445 suggest that sufficient evidence is not available to seek an EMERGENCY DETENTION
446 ORDER at this time.

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IV. USE OF EMERGENCY DETENTION ORDERS:

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

V. RELIEF FROM EMERGENCY DETENTION ORDERS:

A person or persons who are subjected to an Emergency Detention Order may seek relief from the Superior Court 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.

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

- 514
515 **B. Intergovernmental Coordination:**
516 1. The DPHSS in coordination with the Guam Memorial Hospital Authority, private health care
517 providers, and/or with guidance from the Centers for Disease Control and Prevention (CDC)
518 will assess the need to declare a Public Health Emergency.
519 2. The DPHSS Director determines the need to activate the incident command structure for
520 DPHSS including augmenting regular communicable disease staff to perform isolation and
521 quarantine monitoring and follow up.
522 3. The DPHSS leadership coordinates between the Department, appropriate law enforcement,
523 and local elected officials for the appropriate jurisdiction(s).
524

525 **Section III, Procedure for Executing an Emergency Detention Order**
526

- 527
528 4. The DPHSS in coordination with the CDC, Division of Global Migration and Quarantine to
529 assess the need for commercial air travel restriction.
530 5. The DPHSS, Bureau of Communicable Disease Control to coordinate with Guam Customs
531 and Quarantine Agency, private airline partners, and other GovGuam partners to prevent
532 travel while a federal Do Not Board Order is being processed with CDC's Division of Global
533 Migration and Quarantine and the Honolulu Quarantine Station.
534

535 **VII. PROCEDURE FOR RELEASE FROM EMERGENCY DETENTION:**

- 536 A. There are several circumstances under which a person or persons may be released from
537 Emergency Detention:
538

- 539 1. The person or persons is no longer suspected to be, infected with, exposed to, or
540 contaminated with a communicable disease or chemical, biological, or radiological agent; or
541 2. The person or persons is/are deemed to no longer pose a serious and imminent risk to the
542 health and safety of others if released from emergency detention; or
543 3. The emergency detention order has expired; or
544 4. The Superior Court of Guam has granted the person or persons' request for relief from the
545 Emergency Detention Order.
546 5. If the Emergency Detention Order has expired, and the DPHSS Director desires to continue
547 detention by petitioning the Superior Court of Guam for Involuntary Detention, see
548 Procedure "PETITIONING THE SUPERIOR COURT OF GUAM FOR INVOLUNTARY
549 DETENTION."

550
551 B. Upon the occurrence of any of the above, the following steps should be taken:

- 552 1. Notify Isolation and Quarantine Logistics staff that person or persons are to be released from
553 Emergency Detention on a specified date and time.
554 2. Notify relevant law enforcement that person or persons are to be released from Emergency
555 Detention on a specified date and time.
556 3. Initiate direct contact with person or persons to be released from emergency detention.
557 4. Issue to person or persons at time of physical release, a written "Release from Emergency
558 Detention" statement. The written statement should indicate that they are being released
559 because:
560 a. They are no longer suspected to be, infected with, exposed to, or contaminated with a
561 communicable disease or chemical, biological, or radiological agent; or
562 b. They are deemed to no longer pose a serious and imminent risk to the health and safety of
563 others if released from emergency detention, or
564 c. They have been detained for the maximum time period allowed.
565 5. Release from Emergency Detention form letter is in **Attachment 3, Section III**.
566 6. Document date and time "Release from Emergency Detention" statement was hand delivered
567 to person or persons in the Isolation and Quarantine File.
568 7. Maintain copy of letter(s) for files.
569 8. Inactivate case contacts Emergency Detention Status

570 Attachment 1, Section III. Procedure for Executing an Emergency Detention Order
571

572
573 Approved:

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577 Director, DPHSS
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579
580 Attachments:

- 581 1. Questions to ask prior to ordering Involuntary Detention.
582 2. Emergency Detention Order
583 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

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

Individual Making Determination: _____

Date: _____

Signature: _____

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658 Attachment 2. Section III. Procedure for Executing an Emergency Detention Order
659

660
661 **EMERGENCY INVOLUNTARY DETENTION ORDER**
662

663 Under authority of Public Law 22-130; chapter 3: I, _____, the Director for the
664 Department of Public Health and Social Services (DPHSS), order the person or persons on the attached Confidential
665 Schedule to be detained for isolation or quarantine at the location described on the Confidential Schedule beginning
666 on _____, 20__ at _____ o'clock AM/PM and ending on
667 _____, 20__ at _____ o'clock AM/PM. (not to exceed 10 days).
668

669 Based on my assessment of the information available, I suspect the communicable or infectious disease or
670 agent affecting the person(s) identified in this order, or with which these persons have been exposed, infected, or

671 contaminated by, is _____, and the person(s) identified in this order pose a serious and imminent
672 risk to the health and safety of others if not detained for purposes of isolation or quarantine.

673

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

675

676

677

(OR)

678 [] In my professional judgment with the advice of the DPHSS Medical Director and/or Chief Public
679 Health Officer, seeking voluntary compliance creates a risk of serious harm. This detention order is medically
680 justified
681 because _____
682

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

684

685

686

Director

687

Department of Public Health & Social Services

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689

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691

NOTICE TO PERSONS DETAINED BY THIS ORDER

692

693

694 NOTICE: You have the right to petition the superior court for release from isolation or quarantine in accordance
695 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
696 legal counsel, then counsel will be appointed for you at government expense and you should request the
697 appointment of counsel at this time. If you currently have legal counsel, then you have an opportunity to contact that
698 counsel for assistance.

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CONFIDENTIAL SCHEDULE

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ATTACHED TO EMERGENCY INVOLUNTARY DETENTION ORDER

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Protected under the Health Care Information Act, HIPPA

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Name(s)

Address

Identity in Pleadings

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Location of Detention

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

738

COMPLETION OF ISOLATION /QUARANTINE CLEARANCE FORM

740
741
742
743

Date _____

744

745 To Whom It May Concern:

746

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

749 suspected of having _____. Isolation is
750 recommended when someone has a communicable disease and contact with other people is
751 restricted in order to prevent the spread of the illness.

752
753 The DPHSS requested isolation based on the isolation and quarantine principles contained in
754 P.L. ????. At the completion of the isolation and/or quarantine period, the activities of the above
755 named individual are no longer restricted and they may return to work, school, and other public
756 activities.

757
758 Attached is a fact sheet about _____. In addition, you may find
759 information about _____ at the CDC website, www.cdc.gov, and the
760 WHO website, www.who.org. You may also call the DPHSS at 735-3602, 735-7152 or 735-
761 7102.

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766 Director, DPHSS

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

772
773

774 **PROCEDURE: PETITIONING THE SUPERIOR COURT OF GUAM FOR**
775 **INVOLUNTARY DETENTION**

776
777 **I. DEFINITIONS:**

778 A. **Isolation** - the separation, for the period of communicability or contamination, of infected or
779 contaminated persons or animals from others in such places and under such conditions as to
780 prevent or limit the direct or indirect transmission of the infectious agent or contaminant from
781 those infected or contaminated to those who are susceptible or who may spread the agent or
782 contaminant to others. [P.L.:22-130; Chapter 3-§3301(b)]
783

784 B. **Quarantine**: the limitation of freedom of movement of such well persons or domestic animals
785 as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a
786 period of time not longer than the longest usual incubation period of the infectious agent, in such

787 manner as to prevent effective contact with those not so exposed. [P.L:22-130; Chapter 3;
788 §3301(c)]
789

790 **C. Suspected to be Infected:** for suspected cases means the Department of Public Health and
791 Social Services (DPHSS) Medical Director and/or Chief Public Health Officer, in his or her
792 professional judgment, reasonably believes that infection with a particular infectious agent is
793 likely based on signs and symptoms, laboratory evidence, or contact with an infected individual,
794 animal, or contaminated environment
795

796 **II. AUTHORITY:**

797 A. In accordance with the provisions, an order issued by the DPHSS Director, or his or her
798 designee, shall constitute the duly authorized application of lawful rules adopted by the state
799 board of health and must be enforced by all police officers, healthcare providers, and all other
800 officers and employees within the jurisdiction of the health department.
801

802 B. In accordance with P.L 22-130, the DPHSS Director, or his or her designee, upon the
803 professional advice of the DPHSS Medical Director and/or Chief Public Health Officer, may
804 issue an Emergency Detention Order causing a person or group of persons to be immediately
805 detained for purposes of isolation or quarantine in accordance with P.L: 22-130 Chapter 3;§3310,
806 or may petition the Superior Court of Guam *ex parte* for an order to take the person or group of
807 persons into involuntary detention for purposes of isolation or quarantine.
808

809 **III. PROCEDURE FOR DETERMINING NEED FOR INVOLUNTARY DETENTION**
810 **ORDERS:**

811 A. Before proceeding to the court to petition for an Involuntary Detention Order, the DPHSS
812 Director, or his or her designee, must FIRST complete Section IV, Procedure for Petitioning
813

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

815
816
817 the Superior Court of Guam for Involuntary Detention; Section IV, Page 2 answer and
818 document responses to the Questions contained in Attachment 1, Section IV.
819

820 B. If you have answered YES to either question 2-a or 2-b, and YES to questions 1 and 3
821 contained in Attachment 1, Section IV, AND have documented your decisions and the
822 responses to said questions, proceed to the next section.
823

824 C. If you answered NO to any of the questions contained in Attachment 1, Section IV, your
825 responses suggest that sufficient evidence is not available to seek an INVOLUNTARY
826 DETENTION ORDER at this time.
827

828 **IV. WHEN TO PETITION THE SUPERIOR COURT OF GUAM:**

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

- 833
834 B. having found that voluntary compliance has not or would not be effective; **AND/OR**
835
836 C. having executed an Emergency Detention Order for a maximum period of 10 days; **AND**
837
838 D. having found that circumstances require continued isolation and or quarantine for an
839 extended period of time; the DPHSS Director may elect to Petition the Superior Court of
840 Guam *ex parte*.

841
842 **V. PROCEDURE FOR PETITIONING THE SUPERIOR COURT OF GUAM:**

- 843 A. If the DPHSS Director elects to petition the Superior Court of Guam seeking Involuntary
844 Detention of a person or persons for purposes of isolation or quarantine, the following steps
845 must be taken:
- 846 1. Isolation and Quarantine staff will establish new* case contact(s) in Isolation and Quarantine
847 File. [** Only new if NO attempt had been made to secure voluntary compliance based on*
848 *professional judgment and corresponding documentation of same, that seeking voluntary*
849 *compliance would have created a risk of serious harm. Otherwise, case contact(s) will*
850 *already be recorded from the attempted voluntary compliance*]
 - 851 2. Isolation and Quarantine Supervisor will notify the Attorney General's Office of Prosecuting
852 Attorney (OPA) of intent to petition the Superior Court of Guam for Involuntary Detention
853 for specific person or person(s).
 - 854 3. Notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine
855 facilities for specified number of people
 - 856 4. The Isolation and Quarantine Supervisor will notify relevant law enforcement [i.e. Chief of
857 Police] of intentions to petition the Superior Court of Guam for Involuntary Detention for
858 specific person or person(s).

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Section IV, Procedure for Petitioning the Superior Court of Guam for Involuntary Detention
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862

- 863 5. **Initial Petition for 10-day Involuntary Detention (except for active TB cases which may**
864 **require longer than 30 days detention).** Isolation and Quarantine staff will prepare the
865 necessary legal documents, if needed, help can be provided by DPHSS' legal counsel, and
866 submit the following information to the OPA for review and action:
- 867 a. Initial Petition for 10-day Involuntary Detention. The Petition is found in **Attachment 2,**
868 **Section IV.**
 - 869 b. Documentation supporting a declaration of the DPHSS Director attesting to the facts
870 asserted in the petition. The Declaration is found in **Attachment 3, Section IV.**
 - 871 c. The Confidential Schedule is used no matter how many people are being quarantined. It
872 is a means to protect private health information. The Emergency Detention Order and/or
873 Court pleadings will use an identifier, such as initials. The person(s) actual name will
874 only appear on the confidential schedule. Confidential Schedule is found at **Attachment**
875 **4, Section IV.**
 - 876 d. Preparation of any further information that might be relevant and material to the Court's
877 consideration

- 878 e. Statement of compliance with the conditions and principles of isolation and quarantine
879 contained in P.L:22-130
- 880 f. A summons. The Summons is found in **Attachment 5, Section IV.**
- 881 g. An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine
882 is approved. The Order is found in **Attachment 6, Section IV.**
- 883 6. **Extension of 10-day Involuntary Detention.** A 10-day Involuntary Detention Order can be
884 extended up to 30 days by petitioning the Superior Court of Guam (except for active TB
885 cases which may require longer than 30 days detention). Prepare the necessary legal
886 documents (If needed, help can be provided by DPHSS' legal counsel), and submit the
887 following information to the OPA for review and action:
- 888 a. Motion for Detention. The Motion is found in **Attachment 7, Section IV.**
- 889 b. Documentation supporting a declaration of the DPHSS Director attesting to the facts
890 asserted in the petition. The Declaration is found in **Attachment 8, Section IV.**
- 891 c. The Confidential Schedule is used no matter how many people are being quarantined. It
892 is a means to protect private health information. The Emergency Detention Order and/or
893 Court pleadings will use an identifier, such as initials.
894 The person(s) actual name will only appear on the confidential schedule. Confidential
895 Schedule is found at **Attachment 9, Section IV.**
- 896 d. Preparation of any further information that might be relevant and material to the Superior
897 Court of Guam's consideration.
- 898 e. Statement of compliance with the conditions and principles of isolation and quarantine
899 contained in P.L:22-130.
- 900 f. An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine
901 is approved. The Order is found in **Attachment 10, Section IV.**
- 902 7. **Extension of Emergency Detention.** If DPHSS has not petitioned the Superior Court of
903 Guam before, a different set of forms must be used. A 10-day Emergency Detention Order
904 can be extended up to 30 days (except for active TB cases which may require longer than 30
905 days detention) by petitioning the Superior Court of Guam. Prepare the necessary legal

906 Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention
907

- 908
- 909 documents, if needed help can be provided by DPHSS' legal counsel, and submit the
910 following information to the Attorney General's Office for review and action:
- 911 a. Petition for Continued Detention. The Petition is found in **Attachment 12, Section IV.**
- 912 b. Documentation supporting a declaration of the DPHSS Director attesting to the facts
913 asserted in the petition. The Declaration is found in **Attachment 13, Section IV.**
- 914 c. The Confidential Schedule is used no matter how many people are being quarantined. It
915 is a means to protect private health information. The Emergency Detention Order and/or
916 Court pleadings will use an identifier, such as initials. The person(s) actual name will
917 only appear on the confidential schedule. Schedule is found in **Attachment 14, Section**
918 **IV.**
- 919 d. A summons to appear is in **Attachment 15, Section IV.**
- 920 e. Preparation of any further information that might be relevant and material to the Superior
921 Court of Guam's consideration.
- 922 f. Statement of compliance with the conditions and principles of isolation and quarantine
923 contained in P.L:22-130.

- 924 g. An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine
925 is approved. The Order is found in **Attachment 16, Section IV.**
- 926 8. **Additional Extensions of Involuntary Detention (except for active TB cases which may**
927 **require longer than 30 days detention).** A 30-day Extended Involuntary Detention Order
928 can be extended as necessary pursuant to section 6 of §3310 up to 30 additional days per
929 extension by petitioning the Superior Court of Guam. Prepare the necessary legal documents
930 according to the procedure described in subsection 6 of this section (if needed, help can be
931 provided by DPHSS' legal counsel), and to submit to the OPA for review and action.
- 932 9. Request assistance from law enforcement personnel, as necessary, in order to take person or
933 persons into custody and/or to assume control of specified facilities.
- 934 10. Document date and time of submission to OPA in the Isolation and Quarantine File.
- 935 11. Maintain copy of Petition and supporting documents for files.
- 936 12. OPA office to notify DPHSS Department when petition is filed. Record filing time + 72*
937 hours for approximate date/time for hearing. [* Exclusive of Saturdays, Sundays and
938 holidays]
- 939 13. Follow up with OPA's office DAILY regarding status of outstanding petitions. Record status
940 of petitions in Isolation and Quarantine Database as "pending review by the Superior Court
941 of Guam."

942

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

- 945
- 946 C. If the Superior Court of Guam grants the petition, take the following steps:
- 947 1. Notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine
948 facilities for specified number of people.
- 949 2. Notify relevant law enforcement that Petition for Involuntary Detention has been granted for
950 specific person or person(s).

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

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- 953
- 954 3. Request assistance from law enforcement personnel, as necessary, in order to take person or
955 persons into custody and/or to assume control of specified facilities.
- 956 4. Add case contact name(s) to schedule of daily check-in calls.
- 957 5. Conduct daily check-in calls to monitor person or persons' health status. Continue
958 conducting daily check-in calls until such time that person or persons are released from
959 involuntary detention.
- 960 6. Record any irregularities discovered in check-in calls in Isolation and Quarantine
961 File/records. [i.e., change in health status]
- 962 7. Flag any and all irregularities for IMMEDIATE supervisory action and follow up. [i.e., Law
963 Enforcement or Public Health action]
- 964 8. Document in the Isolation and Quarantine Database any requests for assistance. Include the
965 following information:
- 966 a. nature and type of assistance requested, [be specific]
- 967 b. date and time the request was made;
- 968 c. source organization, contact name and phone number to which the request was assigned.
969 [e.g., Red Cross, local human services agency, health care provider, public health nurse]

- 970 or multiple requests assigned to different purveyors, note this information for *each* type
971 of assistance requested.
972 d. reasonable requests for assistance could include requests for food, clothing, shelter, and
973 means of communication, medication, medical care and special needs related to cultural
974 and religious beliefs.
975

976 VI. PROCEDURE FOR RELEASE FROM INVOLUNTARY DETENTION: 977

- 978 A. There are several circumstances under which a person or persons may be released from
979 Emergency Detention:
980 1. The person or persons is no longer suspected to be, infected with, exposed to, or
981 contaminated with a communicable disease or chemical, biological, or radiological agent; or
982 2. The person or persons is/are deemed to no longer pose a serious and imminent risk to the
983 health and safety of others if released from emergency detention; or
984 3. The emergency detention order has expired; or
985 4. The Superior Court of Guam did not grant authority for involuntary detention based upon the
986 Petition.
987
988 B. In all such cases, once a decision has been made to release a person or persons from
989 Involuntary Detention prior to, or upon the expiration date as noted on the Petition granted by
990 the Superior Court of Guam, the following steps should be followed:
991 1. Notify ISOLATION AND QUARANTINE LOGISTICS STAFF that person or persons are
992 to be released from Involuntary Detention on a specified date and time.
993 2. Notify relevant law enforcement that person or persons are to be released from Involuntary
994 Detention on a specified date and time.
995 3. Initiate direct contact with person or persons to be released from Involuntary Detention.
996

997 Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention
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- 1000 4. Issue to person or persons at time of physical release, a written "Release from Involuntary
1001 Detention" statement. The written statement should indicate that they are being released
1002 because:
1003 a. They are no longer suspected to be, infected with, exposed to, or contaminated with a
1004 communicable disease or chemical, biological, or radiological agent; or
1005 b. They are deemed to no longer pose a serious and imminent risk to the health and safety of
1006 others if released from involuntary detention, or
1007 c. They have been detained for the maximum time period of 30 days.
1008 5. A copy of the Release from Involuntary Detention is in **Attachment 11, Section IV.**
1009 6. Document date and time "Release from Involuntary Detention" statement was hand delivered
1010 to person or persons in the Isolation and Quarantine File.
1011 7. Maintain copy of letter(s) for files.
1012 8. Inactivate case contact(s), Involuntary Detention Status.

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1014 Approved:
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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?

1063 YES / NO

1064

1065

OR

1066

1067 2-b) Have you determined and documented in your professional judgment that seeking voluntary
1068 compliance would be ineffective?

1069 YES / NO

1070

1071 3) Do you have reason to believe that the person or group of persons would pose a serious and
1072 imminent risk to the health and safety of others IF NOT DETAINED for purposes of isolation or
1073 quarantine?

1074 YES / NO

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1079 Individual Making Determination: _____

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1082 Date: _____

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1085 Signature: _____

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Attachment 2, Section IV, Petition

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Territory of Guam
Superior Court of Guam

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

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

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

1106 13 Services, Guam, by and through his/her attorney, _____, and petitions this
1107 14 court for an order *ex parte* authorizing involuntary detention for isolation or quarantine . This
1108
1109 15 petition is based on the pleadings and declaration of _____, attached hereto.
1110
1111 16 1. JURISDICTION: This petition is requested under authority of Public Law 22-130; Ch:3;§ 3333
1112 17
1113 18 2. IDENTITY PARTIES: _____, is the Director of the Department of Public Health and
1114
1115 19 Social Services with Office located at 123 Chalan Kareta, Mangilao, Guam
1116 20 Respondent(s) and their location are identified in the attached Confidential Schedule.
1117 21
1118 22 3. FACTUAL ALLEGATIONS:
1119 23 a. The Director of the Department of Public Health and Social Services (DPHSS) has determined, or has
1120 reason to believe, that the respondent(s) is/are, or is/are
1121 24 suspected to be, infected with, exposed to, or contaminated with _____, which could infect or
1122 25 contaminate others if respondent(s) is/are not detained and quarantined or isolated.
1123 26 The Director requested that respondent(s) voluntarily comply with isolation and quarantine requirements
1124
1125 27 to protect the public health, safety and welfare. Respondent(s) failed to comply or refused to comply
1126
1127 28 with infection control directives, including the directive for isolation or quarantine.
1128

PETITION FOR EX PARTE ORDER
WHEN VOLUNTARY DETENTION
REFUSED

Attachment 2, Section IV, Petition

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1136
1137 1 b. The DPHSS Director took the following measures seeking voluntary compliance:
1138 2
1139 3 c. The medical basis justifying detention for isolation or quarantine is justified is:
1140 4
1141 5 4. RELIEF REQUESTED. Based on the above allegations as supported by the attached declaration, the
1142 6 the DPHSS Director requests the following:
1143 7 a. The entry of an order *ex parte* authorizing involuntary detention of the person(s) named herein at
1144 8 the location specified in the Confidential Schedule from _____, 20__ at _____ o'clock
1145 9 (Guam Time) to _____, 20__ at _____ o'clock AM/PM (not to exceed
1146
1147 10 ten days);
1148

1149 11 b. The entry of an order sealing the Confidential Schedule and any other documents containing
1150
1151 12 the identity of the respondent(s), including the location of isolation or quarantine, to protect the privacy
1152
1153 13 of their health care information.
1154
1155 15 c. Such other relief as the court deems reasonable and proper.
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DATED this ____ day of _____, 20__.

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Attorney's Name
Attorney for DPHSS, Guam

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PETITION FOR EX PARTE ORDER
WHEN VOLUNTARY DETENTION
REFUSED

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Attachment 3. Section IV. Declaration

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Territory of Guam
Superior Court of Guam

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

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

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_____ 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

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

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Name(s)

Address

Identity in Pleadings

Location of Detention

Attachment 5, Section IV, Summons

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6	In Re:		NO: _____
7	_____ (use identifiers per Confidential		SUMMONS
8	Schedule)		
9	Respondents		
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1334 13 **TO THE RESPONDENT(S):** A lawsuit has been started against you in the above entitled court by
1335 14 _____ petitioner. Petitioner's claim is stated in the written petition, a copy of which is served
1336 15 upon you with this summons.
1337 16

1338 17 In order to defend against this lawsuit, you must respond to the petition by stating your defense in writing,
1339 18 and serve a copy upon the undersigned attorney for the petitioner within 20 days after the service of this
1340 19 summons excluding the day of service, or a default judgment may be entered against you without notice.

1341 20 If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before
1342 21 default judgments may be entered.
1343 21

1344 22
1345 23 You may demand that the petitioner file this lawsuit with the court. If you do so, the demand must be in
1346 24 writing and must be served upon the petitioner. Within 14 days after you serve the demand the petitioner
1347 25 must file this lawsuit.

1348 26
1349 27 If you wish to seek the advice of an attorney in this matter you should do so promptly so that your written
1350 28 response, if any, may be served on time
1351 28

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1353 **DATED** this ____ day of _____, 20__.

1354 _____
1355 Attorney's Name
1356 Attorney for DPHSS, GUAM
1357

1358 SUMMON

1359 Attachment 6, Section IV, Order
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Territory of Guam	
Superior Court of Guam	
In Re: ____ (use identifiers per Confidential Schedule) Respondents	NO: _____ ORDER (EX PARTE) AUTHORIZING INVOLUNTARY DETENTION FOR ISOLATION OR QUARANTINE WHEN VOLUNTARY ISOLATION OR QUARANTINE REFUSED

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

1376 15 Involuntary Detention for Isolation or Quarantine When Voluntary Isolation or Quarantine
1377
1378 16 Refused filed by _____, Director for the Department of Public Health and Social
1379 17 Services (DPHSS), by and through his/her attorney, _____. The Court considered the pleadings
1380 18 and file herein and the declaration of _____ in support of the petition.
1381
1382 19

1383 20 Based on the argument of counsel and the evidence presented, the Court finds:
1384

1385 21 1.1 The court has jurisdiction over the person and subject matter in this proceeding

1386 22 1.2 The Director of DPHSS sought voluntary compliance with isolation and quarantine measures,
1387 23 with which respondent(s) has/have refused or failed to comply.

1388 25 1.3 There is a reasonable basis supporting the need to isolate or quarantine the respondent(s)
1389 26 as they present a serious and imminent risk to the health and safety of others
1390

1391 27 1.4 Respondent(s)' identity(ies) and the location of isolation or quarantine should be kept confidential
1392
1393 28 to protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164)
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1395

1396 **Based on the above findings, IT IS ORDERED**

1397

1398 EX PARTE ORDER WHEN
1399 VOLUNTARY DETENTION REFUSED
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Attachment 6. Section IV. Order

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1 2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine
1407 2 as necessary to protect the public health, safety and welfare at the location specified on the Confidential
1408 3 Schedule from _____, 20__ at ___ o'clock AM/PM to from _____, 20__ at _____
1409 4 o'clock AM/PM, unless medical tests or other information conclusively establishes
1410 5 that he/she/they no longer present a threat to the public health, safety and welfare, whereupon,
1411 6 respondent(s) shall be immediately released from detention:
1412 7

1412

1413

8 2.2 The confidential schedule and any other documents containing the identifying information about the
1414 9 respondent(s), including the location of isolation or quarantine, shall be and are hereby sealed to protect the
1415 10 privacy of their health care information.

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13 **DATED** this _____ day of _____, 20__.

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JUDGE

Presented by:

Attorney's Name

Attorney for DPHSS, GUAM

License number:

EX PARTE ORDER WHEN
VOLUNTARY DETENTION REFUSED

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Attachment 7. Section IV, Motion for Continued Detention

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Territory of Guam
Superior Court of Guam

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

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

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

1464 15 Services, by and through his/her attorney, _____ and asks this court for an order authorizing
 1465
 1466 16 extension of the period for involuntary detention for isolation or quarantine . On _____,
 1467 17 the court issued an, ex parte order authorizing involuntary detention for isolation or quarantine
 1468 18 based on the petition submitted by _____ the Director.
 1469 19 The order issued on _____ authorized involuntary detention for isolation or quarantine
 1470 20 of respondent(s) at the location specified on the Confidential Schedule from _____, 20 _____
 1471 21 at _____ o'clock AM/PM to _____, 20__ at _____ o'clock
 1472 22 AM/PM. This motion asks the court to extend the period of detention for isolation or quarantine
 1473 23 of respondent(s) up to an additional thirty days. The local health jurisdiction is in full
 1474 25 compliance with the isolation and quarantine principles and conditions contained in Public Law: 22-130.
 1475 26 This motion is based on P.L:22-130 the pleadings, record and file herein, and
 1476
 1477 27 the declaration of _____, attached hereto.

1478
 1479 28 **DATED** this ____ day of _____, 20__.

1480
 1481
 1482 _____
 Attorney's Name
 1483 Attorney for DPHSS, Guam

1484 MOTION FOR CONTINUATION
 1485 OF DETENTION

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 1488 Attachment 8, Section IV, Declaration in Support of Continued Detention
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1490 **Territory of Guam**
 1491 **Superior Court of Guam**

1492
 1493 In Re:
 1494 _____ (use identifiers per Confidential
 1495 Schedule)
 1496 Respondents

1497
 1498 NO: _____
 1499 MOTION FOR ORDER AUTHORIZING
 1500 CONTINUED INVOLUNTARY DETENTION
 1501 FOR ISOLATION OR QUARANTINE OR

1502
 1503 _____ declares:

1504 1. I am the Director, Department of Public Health and Social Services.

1505 2. I am authorized by chapter 3; of P.L 22-130, to take action necessary to protect the public health, safety and
1506 welfare.

1507
1508 3. Under P.L:22-130 I am authorized to ask the court to issue an order for the continued involuntary detention of
1509 individuals who should be isolated or quarantined to protect the public health, safety and welfare.

1510
1511 4. I am asking this court to issue an order continuing the involuntarily detention of the individuals named on the
1512 attached Confidential Schedule because they continue to pose a threat to the public health, safety and welfare for the
1513 following reasons:

1514
1515
1516 5. Respondent(s) has/have been diagnosed with, or is/are suspected to have been exposed to, infected with, or
1517 contaminated by, _____ because:

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1521 MOTION FOR CONTINUATION OF
1522 DETENTION

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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.

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
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Location of Detention

MOTION FOR CONTINUATION OF
DETENTION

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Territory of Guam
Superior Court of Guam

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

NO: _____
ORDER GRANTING MOTION FOR
CONTINUED INVOLUNTARY DETENTION
FOR 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

1 Based on the above findings, IT IS ORDERED

2

3 2.1 The motion is granted and respondent(s) shall continue to be detained for isolation or quarantine
4 necessary to protect the public health, safety and welfare at the location specified in the Confidential

5 Schedule from _____, 20__ at _____ o'clock AM/PM to _____, 20__ at

6 _____ o'clock AM/PM, unless medical tests or other information conclusively

7 establishes that he/she /they no longer present a threat to the public health, safety and welfare, whereupon
8 respondent(s) shall be immediately released from detention;

9

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

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16 DATED this _____ day of _____, 20__.

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26 _____
[Attorney's Name]
Attorney for DPHSS, GUAM

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JUDGE

Presented by:

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

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Territory of Guam
Superior Court of Guam

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

NO: _____
PETITION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR 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

Attachment 12, Section IV, Petition for Continued Detention

1 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,
2 or contaminated with _____, which could infect or contaminate others if respondent(s)
3 is/are not detained and isolated or quarantined from others.

4
5 d. The medical basis justifying isolation or quarantine is justified is:
6

78
9 e. The anticipated duration of isolation or quarantine based on the suspected communicable disease or
10 infectious agents is _____ (not to exceed thirty days, not applicable to active TB
cases where the isolation could be much longer).

11 f. The local health jurisdiction is in full compliance with the isolation and quarantine principles and
12 conditions contained in Public Health 22-130, Chapter 3.
13

14 4. RELIEF REQUESTED. Based on the above allegations as supported by the attached declaration, the
15 Director of Public Health and Social Services requests the following:

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

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

23 c. Such other relief as the court deems reasonable and proper.
24

25
26 **DATED** this ____ day of _____, 20__.

27 _____
28 Attorney's Name
Attorney for DPHSS, Guam

PETITION FOR CONTINUATION OF
INVOLUNTARY DETENTION

Attachment 13, Section IV—Declaration in Support of Petition

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**Territory of Guam
Superior Court of Guam**

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

NO: _____
PETITION FOR ORDER AUTHORIZING
CONTINUED INVOLUNTARY DETENTION
FOR 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

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

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
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Location of Detention

Attachment 15, 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 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

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**Territory of Guam
Superior Court of Guam**

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

NO: _____
ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY DETENTION
FOR 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

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

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

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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-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,

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

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

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

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

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

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

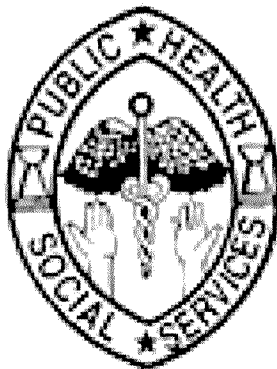
3 **Section 5. Effective Date.** This Act shall become immediately effective
4 upon enactment.

Exhibit "A"

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GUAM

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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

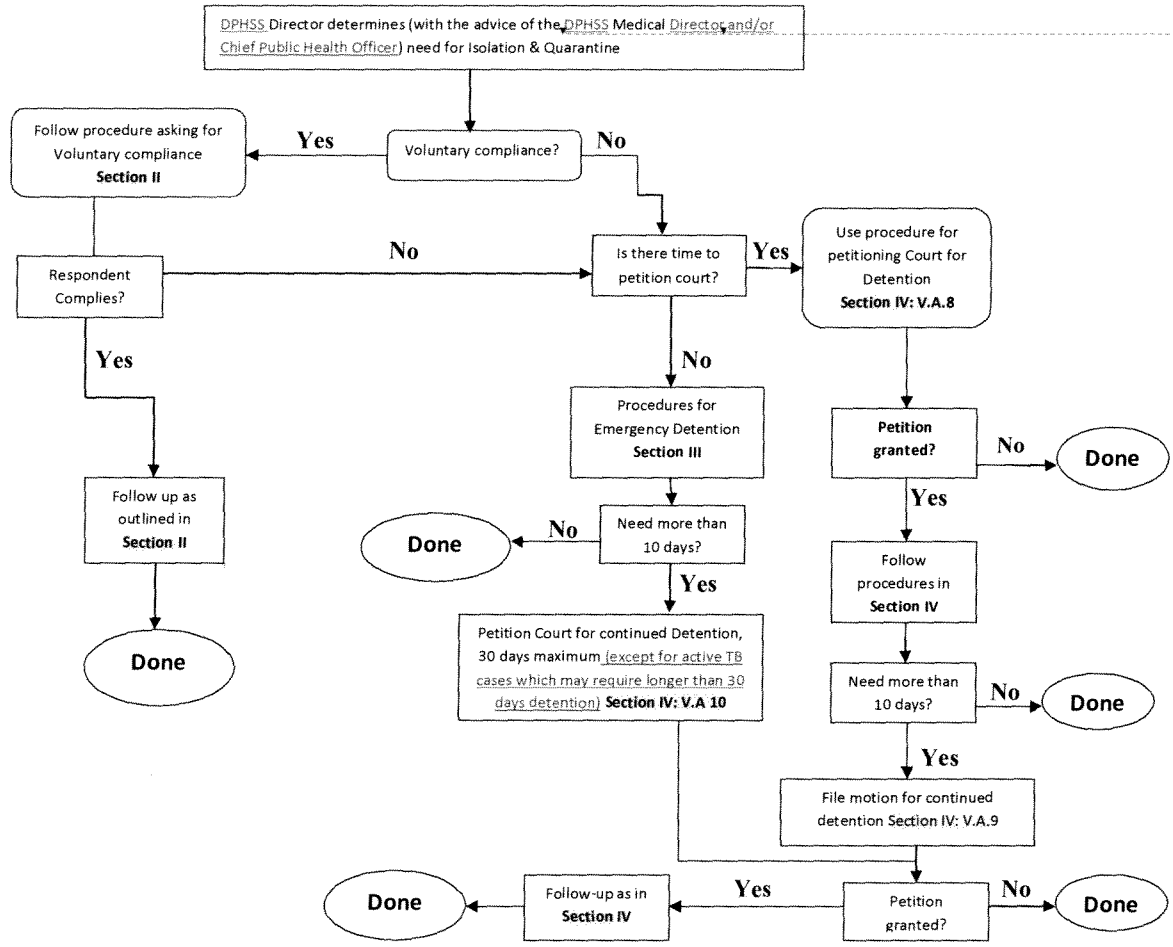
1. Isolation and Quarantine Flow Chart
2. Use of Forms
3. Use of Isolation or Quarantine Legal Documents Process

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Isolation and Quarantine Flowchart



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2 USE OF FORMS:

3 **Voluntary Compliance:**

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5 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.

6
7 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.]

8
9 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.

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10 **Emergency Detention Order:**

11 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.

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12 **Petition for Judicial Detention:**

13 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.

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14 **Continued Detention:**

15 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.

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16 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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68 previously filed and so no new summons and petition are required. Guidance is found in Section
 69 IV, Paragraph V.A.9.

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 73 **USE OF ISOLATION OR QUARANTINE LEGAL DOCUMENTS PROCESS CHART**

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 75 **The DPHSS Director's Options for Initiating Isolation or Quarantine, under the**
 76 **P.L.:22-130 with the advice of the DPHSS, Medical Director, and/or Chief Public**
 77 **Health Officer**

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

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 80 DPHSS Isolation and Quarantine Regulations, Section I, Attachment 3
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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

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To Extend Isolation or Quarantine Period

91 Note: Both the DPHSS Director's Order and Court Order described above are valid for a
 92 maximum of ten days isolation or quarantine. If the Director needs to extend the isolation or
 93 quarantine beyond ten days, only the Superior Court of Guam may order an extension for up to
 94 thirty days (except for active TB cases which may require longer than 30 days detention). If the
 95 individual is voluntarily complying, then the DPHSS Director may request the individual to
 96 continue in isolation/quarantine on a voluntary basis without seeking an order from the Court.
 97 There is **no** DPHSS Director's Order extending an involuntary isolation or quarantine in P.L.:22-
 98 130.

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Section II, Procedure for Requesting Voluntary Isolation or Quarantine

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

EFFECTIVE:

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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.

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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.

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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.

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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:

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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

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177 suspected to be, infected with, exposed to or contaminated with a communicable disease or
178 chemical, biological, or radiological agent that could spread to or contaminate others if
179 remedial action is not taken; and

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

184
185 B. If the subject(s) have been non-compliant with voluntary isolation or quarantine and
186 immediate action is believed to be needed, see Section III, Procedure: “**EMERGENCY**
187 **DETENTION ORDER.**”

188
189 **IV. PROCEDURE FOR VOLUNTARY ISOLATION OR QUARANTINE:**

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

193 1. Isolation and Quarantine staff will initiate direct contact with person or persons suspected to
194 be infected.

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195 2. Establish new case/contact(s) in Isolation and Quarantine files/records.

196 3. Verbally direct person or persons to voluntarily comply with request for medical
197 examination, testing, treatment, counseling, vaccination, decontamination of persons or
198 animals, isolation, quarantine, inspection and closure of facilities, and to avoid travel by
199 commercial air or commercial sea conveyance. If needed, seek interpreter services.

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200 4. Document date and time of verbal contact with person or persons and specific instructions
201 given to person or persons in Isolation and Quarantine File or records.

202 5. Isolation and Quarantine staff will follow up verbal request by *immediately* issuing written
203 request to person or persons and acknowledgment of voluntary isolation form found in
204 **Attachment 1, Section II**. If needed, help can be provided by DPHSS’s legal counsel; seek
205 interpreter services, as appropriate.

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206 6. Hand deliver letter and acknowledgment of voluntary isolation or quarantine form to person
207 or persons.

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208 7. Document date and time letter was delivered to person or persons in isolation or quarantine.
209 Also document whether or not person signed the acknowledgment of voluntary isolation or
210 quarantine form found in **Attachment 2, Section II**.

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211 8. Maintain copy of letter(s) and acknowledgment of voluntary isolation or quarantine form(s)
212 for files.

213 9. Add case contact name(s) to schedule of daily check-in calls.

214 10. Establish an Emergency Call Center if the number of affected parties exceeds the day-to-day
215 capacity of CD/EPI.

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216 11. Conduct daily check-in calls to verify person or persons is/are at specified location and to
217 monitor health status. Continue conducting daily check-in calls until such time that person or
218 persons are released from voluntary isolation or quarantine.

219 12. Record any irregularities discovered in check-in calls in Isolation and Quarantine File or
220 Records [*i.e.*, change in health status, not responding to call(s)]

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222 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.

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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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Section II. Procedure for Requesting Voluntary Isolation

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- 285 b. they are deemed to no longer pose a serious and imminent risk to the health and safety of
286 others if released from voluntary isolation or quarantine.
- 287 3. The form is found in **Attachment 3, Section II.**
 - 288 4. Courier written statement to person or persons, return receipt requested.
 - 289 5. File return receipt(s).
 - 290 6. Document date and time letter was delivered to person or persons in the Isolation and
291 Quarantine Database
 - 292 7. Maintain copy of letter(s) for files.
 - 293 8. Inactivate

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305 Director, DPHSS

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310 Attachments:

- 311 1. Voluntary Isolation or Quarantine Letter
- 312 2. Acknowledgement of Voluntary Isolation or Quarantine
- 313 3. Release from Voluntary Isolation or Quarantine

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330 Attachment 1, Section II, Procedure for Requesting 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.

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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.

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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

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

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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.

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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.**

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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

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COMPLETION OF ISOLATION OR QUARANTINE CLEARANCE FORM

435 Date _____

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437

438 To Whom It May Concern:

439

440

441 _____ has completed a period of isolation and/or quarantine as

442 recommended by the Department of Public Health and Social Services (DPHSS) for persons

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443 suspected of having _____ . Isolation is

444 recommended when someone has a communicable disease and contact with other people is

445 restricted in order to prevent the spread of the illness.

446

447 DPHSS requested isolation and/or quarantine based on the isolation and quarantine principles

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448 and conditions contained in P.L. ????. At the completion of the isolation and/or quarantine

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449 period, the activities of the above named individual are no longer restricted and they may return

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450 to work, school, and other public activities.

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452 Attached is a fact sheet about _____ . In addition, you may find

453 information about _____ at the CDC website, www.cdc.gov , and the

454 WHO website, www.who.org . You may also call DPHSS at 735- 7102, 735-3602 or 735-7142 ,

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455 if you have questions about this letter or about _____ .

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457 Sincerely,

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459 Director, DPHSS

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462 Section III, Procedure for Executing an Emergency Detention Order

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PROCEDURE: EMERGENCY DETENTION ORDER [P.L:22-130]

EFFECTIVE: March 15, 2011

I. DEFINITIONS:

467 A. **Isolation:** the separation, for the period of communicability or contamination, of infected or

468 contaminated persons or animals from others in such places and under such conditions as to

469 prevent or limit the direct or indirect transmission of the infectious agent or contaminant from

481 those infected or contaminated to those who are susceptible or who may spread the agent or
482 contaminant to others. [P.L:22-130 §3301(b)]

483
484 B. **Quarantine:** the limitation of freedom of movement of such well persons or domestic animals
485 as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a
486 period of time not longer than the longest usual incubation period of the infectious agent, in such
487 manner as to prevent effective contact with those not so exposed. [P.L:22-130 §3301(c)]

488
489 C. **Suspected to be Infected:** for suspected cases means the Department of Public Health and
490 Social Services Medical Director, and/or Chief Public Health Officer, in his or her professional
491 judgment, reasonably believes that infection with a particular infectious agent is likely based on
492 signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or
493 contaminated environment.

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494
495 **II. AUTHORITY:**

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

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501 B. Upon the advice of the DPHSS Medical Director, and/or Chief Public Health Officer, the
502 Director, or his or her delegate, may issue an Emergency Detention Order causing a person or
503 group of persons to be immediately detained for purposes of isolation or quarantine in
504 accordance with law, or may petition the Superior Court of Guam *ex parte* for an order to take
505 the person or group of persons into involuntary detention for purposes of isolation or quarantine
506 in accordance with P.L:22-130 Subsection ??????

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508 **III. PROCEDURE FOR DETERMINING NEED FOR EMERGENCY DETENTION**
509 **ORDERS:**

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

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518 Section III, Procedure for Executing an Emergency Detention Order

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

523
524 C. If you answered NO to any of the questions in Section III, Attachment 1, your responses
525 suggest that sufficient evidence is not available to seek an EMERGENCY DETENTION
526 ORDER at this time.

535

IV. USE OF EMERGENCY DETENTION ORDERS:

536

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

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V. RELIEF FROM EMERGENCY DETENTION ORDERS:

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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.

549

VI. PROCEDURE FOR EXECUTING EMERGENCY DETENTION ORDER:

551

A. Internal Steps for Executing Emergency Detention Order:

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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:

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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.*]

564

b. If needed, notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine facilities for specified number of people.

566

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).

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Section III, Procedure for Executing an Emergency Detention Order

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persons into custody and/or to assume control of specified facilities.

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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.

577

5. File return receipt(s).

578

6. Document date and time Emergency Detention Order was delivered to person or persons in the Isolation and Quarantine Database.

579

7. Maintain copy of Emergency Detention Order for files.

580

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

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619 **B. Intergovernmental Coordination:**

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

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630 **Section III. Procedure for Executing an Emergency Detention Order**

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

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639 **VII. PROCEDURE FOR RELEASE FROM EMERGENCY DETENTION:**

- 640 A. There are several circumstances under which a person or persons may be released from
- 641 Emergency Detention:
- 642

- 651 1. The person or persons is no longer suspected to be, infected with, exposed to, or
 652 contaminated with a communicable disease or chemical, biological, or radiological agent; or
 653 2. The person or persons is/are deemed to no longer pose a serious and imminent risk to the
 654 health and safety of others if released from emergency detention; or
 655 3. The emergency detention order has expired; or
 656 4. The Superior Court of Guam has granted the person or persons' request for relief from the
 657 Emergency Detention Order.
 658 5. If the Emergency Detention Order has expired, and the DPHSS Director desires to continue
 659 detention by petitioning the Superior Court of Guam for Involuntary Detention, see
 660 Procedure "PETITIONING THE SUPERIOR COURT OF GUAM FOR INVOLUNTARY
 661 DETENTION."
 662 B. Upon the occurrence of any of the above, the following steps should be taken:
 663 1. Notify Isolation and Quarantine Logistics staff that person or persons are to be released from
 664 Emergency Detention on a specified date and time.
 665 2. Notify relevant law enforcement that person or persons are to be released from Emergency
 666 Detention on a specified date and time.
 667 3. Initiate direct contact with person or persons to be released from emergency detention.
 668 4. Issue to person or persons at time of physical release, a written "Release from Emergency
 669 Detention" statement. The written statement should indicate that they are being released
 670 because:
 671 a. They are no longer suspected to be, infected with, exposed to, or contaminated with a
 672 communicable disease or chemical, biological, or radiological agent; or
 673 b. They are deemed to no longer pose a serious and imminent risk to the health and safety of
 674 others if released from emergency detention, or
 675 c. They have been detained for the maximum time period allowed.
 676 5. Release from Emergency Detention form letter is in **Attachment 3, Section III**.
 677 6. Document date and time "Release from Emergency Detention" statement was hand delivered
 678 to person or persons in the Isolation and Quarantine File.
 679 7. Maintain copy of letter(s) for files.
 680 8. Inactivate case contacts Emergency Detention Status

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

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 689 Director, DPHSS
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- 692 Attachments:
 693 1. Questions to ask prior to ordering Involuntary Detention.
 694 2. Emergency Detention Order
 695 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: _____

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

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EMERGENCY INVOLUNTARY DETENTION ORDER

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781 Under authority of Public Law 22-130; chapter 3: I, _____, the Director for the
782 Department of Public Health and Social Services (DPHSS), order the person or persons on the attached Confidential
783 Schedule to be detained for isolation or quarantine at the location described on the Confidential Schedule beginning
784 on _____, 20__ at _____ o'clock AM/PM and ending on
785 _____, 20__ at _____ o'clock AM/PM. (not to exceed 10 days).
786

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787 Based on my assessment of the information available, I suspect the communicable or infectious disease or
788 agent affecting the person(s) identified in this order, or with which these persons have been exposed, infected, or

790 contaminated by, is _____, and the person(s) identified in this order pose a serious and imminent
791 risk to the health and safety of others if not detained for purposes of isolation or quarantine.

792
793 [] I made the following efforts to obtain voluntary compliance, which were unsuccessful
794 _____
795 _____

796 (OR)

797 [] In my professional judgment with the advice of the ~~DPHSS Medical Director and/or Chief Public~~
798 ~~Health Officer~~, seeking voluntary compliance creates a risk of serious harm. This detention order is medically
799 justified
800 because _____
801 _____

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802 DATED this _____ day of _____ 20__ at _____ AM/PM
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805 Director _____
806 Department of Public Health & Social Services
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Deleted: /Medical Advisor
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810 **NOTICE TO PERSONS DETAINED BY THIS ORDER**
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813 NOTICE: You have the right to petition the superior court for release from isolation or quarantine in accordance
814 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
815 legal counsel, then counsel will be appointed for you at government expense and you should request the
816 appointment of counsel at this time. If you currently have legal counsel, then you have an opportunity to contact that
817 counsel for assistance.
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822 **CONFIDENTIAL SCHEDULE**
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825 **ATTACHED TO EMERGENCY INVOLUNTARY DETENTION ORDER**
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827 **Protected under the Health Care Information Act, HIPPA**
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833 **Name(s) Address Identity in Pleadings**

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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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873 suspected of having _____. Isolation is
874 recommended when someone has a communicable disease and contact with other people is
875 restricted in order to prevent the spread of the illness.

876

877 The DPHSS requested isolation, based on the isolation and quarantine principles contained in
878 P.L. ????. At the completion of the isolation and/or quarantine period, the activities of the above
879 named individual are no longer restricted and they may return to work, school, and other public
880 activities.

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Deleted: and/or quarantine of the above named individual

Deleted: recommendations from the U.S. Centers for Disease Control and Prevention.

881

882 Attached is a fact sheet about _____. In addition, you may find
883 information about _____ at the CDC website, www.cdc.gov, and the
884 WHO website, www.who.org. You may also call the DPHSS, at 735-3602, 735-7152 or 735-
885 7102.

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890 Director, DPHSS

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

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898 **PROCEDURE: PETITIONING THE SUPERIOR COURT OF GUAM FOR**
899 **INVOLUNTARY DETENTION**

900

901 **I. DEFINITIONS:**

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

907

908 B. **Quarantine:** the limitation of freedom of movement of such well persons or domestic animals
909 as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a
910 period of time not longer than the longest usual incubation period of the infectious agent, in such

921 manner as to prevent effective contact with those not so exposed. [P.L.:22-130; Chapter 3;
922 §3301(c)]

924 **C. Suspected to be Infected:** for suspected cases means the Department of Public Health and
925 Social Services (DPHSS) Medical Director and/or Chief Public Health Officer, in his or her
926 professional judgment, reasonably believes that infection with a particular infectious agent is
927 likely based on signs and symptoms, laboratory evidence, or contact with an infected individual,
928 animal, or contaminated environment

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930 **II. AUTHORITY:**

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

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936 B. In accordance with P.L. 22-130, the DPHSS Director, or his or her designee, upon the
937 professional advice of the DPHSS Medical Director and/or Chief Public Health Officer, may
938 issue an Emergency Detention Order causing a person or group of persons to be immediately
939 detained for purposes of isolation or quarantine in accordance with P.L.: 22-130 Chapter 3:§3310,
940 or may petition the Superior Court of Guam *ex parte* for an order to take the person or group of
941 persons into involuntary detention for purposes of isolation or quarantine.

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943 **III. PROCEDURE FOR DETERMINING NEED FOR INVOLUNTARY DETENTION
944 ORDERS:**

945 A. Before proceeding to the court to petition for an Involuntary Detention Order, the DPHSS
946 Director, or his or her designee, must FIRST complete Section IV, Procedure for Petitioning

947
948 Section IV, Procedure for Petitioning the Superior Court of Guam for Involuntary Detention,
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950
951 the Superior Court of Guam for Involuntary Detention; Section IV, Page 2 answer and
952 document responses to the Questions contained in Attachment 1, Section IV.

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

956
957 C. If you answered NO to any of the questions contained in Attachment 1, Section IV, your
958 responses suggest that sufficient evidence is not available to seek an INVOLUNTARY
959 DETENTION ORDER at this time.

960
961 **IV. WHEN TO PETITION THE SUPERIOR COURT OF GUAM:**

962 A. The DPHSS Director having first made a reasonable effort to obtain voluntary compliance
963 with requests for medical examination, testing, treatment, counseling, vaccination,
964 decontamination of persons or animals, isolation, quarantine, and inspection and closure of
965 facilities; **OR**
966

- 981 B. having found that voluntary compliance has not or would not be effective; **AND/OR**
- 982
- 983 C. having executed an Emergency Detention Order for a maximum period of 10 days; **AND**
- 984
- 985
- 986 D. having found that circumstances require continued isolation and or quarantine for an
- 987 extended period of time; the DPHSS Director may elect to Petition the Superior Court of
- 988 Guam ex parte.
- 989

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990 **V. PROCEDURE FOR PETITIONING THE SUPERIOR COURT OF GUAM:**

- 991 A. If the DPHSS Director elects to petition the Superior Court of Guam seeking Involuntary
- 992 Detention of a person or persons for purposes of isolation or quarantine, the following steps
- 993 must be taken:
- 994 1. Isolation and Quarantine staff will establish new* case contact(s) in Isolation and Quarantine
- 995 File. [** Only new if NO attempt had been made to secure voluntary compliance based on*
- 996 *professional judgment and corresponding documentation of same, that seeking voluntary*
- 997 *compliance would have created a risk of serious harm. Otherwise, case contact(s) will*
- 998 *already be recorded from the attempted voluntary compliance*]
- 999 2. Isolation and Quarantine Supervisor will notify the Attorney General's Office of Prosecuting
- 1000 Attorney (OPA) of intent to petition the Superior Court of Guam for Involuntary Detention
- 1001 for specific person or person(s).
- 1002 3. Notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine
- 1003 facilities for specified number of people
- 1004 4. The Isolation and Quarantine Supervisor will notify relevant law enforcement [i.e., Chief of
- 1005 Police] of intentions to petition the Superior Court of Guam for Involuntary Detention for
- 1006 specific person or person(s).
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1009 **Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention,**

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- 1011 5. **Initial Petition for 10-day Involuntary Detention (except for active TB cases which may**
- 1012 **require longer than 30 days detention).** Isolation and Quarantine staff will prepare the
- 1013 necessary legal documents, if needed, help can be provided by DPHSS' legal counsel, and
- 1014 submit the following information to the OPA for review and action:
- 1015 a. Initial Petition for 10-day Involuntary Detention. The Petition is found in **Attachment 2,**
- 1016 **Section IV.**
- 1017 b. Documentation supporting a declaration of the DPHSS Director, attesting to the facts
- 1018 asserted in the petition. The Declaration is found in **Attachment 3, Section IV.**
- 1019 c. The Confidential Schedule is used no matter how many people are being quarantined. It
- 1020 is a means to protect private health information. The Emergency Detention Order and/or
- 1021 Court pleadings will use an identifier, such as initials. The person(s) actual name will
- 1022 only appear on the confidential schedule. Confidential Schedule is found at **Attachment**
- 1023 **4, Section IV.**
- 1024 d. Preparation of any further information that might be relevant and material to the Court's
- 1025 consideration

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- 1038 e. Statement of compliance with the conditions and principles of isolation and quarantine
 1039 contained in P.L:22-130
- 1040 f. A summons. The Summons is found in **Attachment 5, Section IV.**
- 1041 g. An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine
 1042 is approved. The Order is found in **Attachment 6, Section IV.**
- 1043 6. **Extension of 10-day Involuntary Detention.** A 10-day Involuntary Detention Order can be
 1044 extended up to 30 days by petitioning the Superior Court of Guam (except for active TB
 1045 cases which may require longer than 30 days detention). Prepare the necessary legal
 1046 documents (If needed, help can be provided by DPHSS' legal counsel), and submit the
 1047 following information to the OPA for review and action:
- 1048 a. Motion for Detention. The Motion is found in **Attachment 7, Section IV.**
- 1049 b. Documentation supporting a declaration of the DPHSS Director, attesting to the facts
 1050 asserted in the petition. The Declaration is found in **Attachment 8, Section IV.**
- 1051 c. The Confidential Schedule is used no matter how many people are being quarantined. It
 1052 is a means to protect private health information. The Emergency Detention Order and/or
 1053 Court pleadings will use an identifier, such as initials.
 1054 The person(s) actual name will only appear on the confidential schedule. Confidential
 1055 Schedule is found at **Attachment 9, Section IV.**
- 1056 d. Preparation of any further information that might be relevant and material to the Superior
 1057 Court of Guam's consideration.
- 1058 e. Statement of compliance with the conditions and principles of isolation and quarantine
 1059 contained in P.L:22-130.
- 1060 f. An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine
 1061 is approved. The Order is found in **Attachment 10, Section IV.**
- 1062 7. **Extension of Emergency Detention.** If DPHSS has not petitioned the Superior Court of
 1063 Guam before, a different set of forms must be used. A 10-day Emergency Detention Order
 1064 can be extended up to 30 days (except for active TB cases which may require longer than 30
 1065 days detention) by petitioning the Superior Court of Guam. Prepare the necessary legal
- 1066 **Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention,**
 1067
- 1068 documents, if needed help can be provided by DPHSS' legal counsel, and submit the
 1069 following information to the Attorney General's Office for review and action:
- 1070 a. Petition for Continued Detention. The Petition is found in **Attachment 12, Section IV.**
- 1071 b. Documentation supporting a declaration of the DPHSS Director, attesting to the facts
 1072 asserted in the petition. The Declaration is found in **Attachment 13, Section IV.**
- 1073 c. The Confidential Schedule is used no matter how many people are being quarantined. It
 1074 is a means to protect private health information. The Emergency Detention Order and/or
 1075 Court pleadings will use an identifier, such as initials. The person(s) actual name will
 1076 only appear on the confidential schedule. Schedule is found in **Attachment 14, Section**
 1077 **IV.**
- 1078 d. A summons to appear is in **Attachment 15, Section IV.**
- 1079 e. Preparation of any further information that might be relevant and material to the Superior
 1080 Court of Guam's consideration.
- 1081 f. Statement of compliance with the conditions and principles of isolation and quarantine
 1082 contained in P.L:22-130.
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1096 | g. An Order for the Superior Court of Guam to issue if the involuntary isolation/quarantine
1097 | is approved. The Order is found in **Attachment 16, Section IV.**

1098 | 8. **Additional Extensions of Involuntary Detention (except for active TB cases which may**
1099 | **require longer than 30 days detention)**. A 30-day Extended Involuntary Detention Order
1100 | can be extended as necessary pursuant to section 6 of §3310 up to 30 additional days per
1101 | extension by petitioning the Superior Court of Guam. Prepare the necessary legal documents
1102 | according to the procedure described in subsection 6 of this section (if needed, help can be
1103 | provided by DPHSS' legal counsel), and to submit to the OPA for review and action.

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1104 | 9. Request assistance from law enforcement personnel, as necessary, in order to take person or
1105 | persons into custody and/or to assume control of specified facilities.

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1106 | 10. Document date and time of submission to OPA, in the Isolation and Quarantine File.

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1107 | 11. Maintain copy of Petition and supporting documents for files.

1108 | 12. OPA office to notify DPHSS Department when petition is filed. Record filing time + 72*
1109 | hours for approximate date/time for hearing. [* Exclusive of Saturdays, Sundays and
1110 | holidays]

1111 | 13. Follow up with OPA's office DAILY regarding status of outstanding petitions. Record status
1112 | of petitions in Isolation and Quarantine Database as "pending review by the Superior Court
1113 | of Guam."

1115 | B. If Petition is Denied, then proceed to **Section VI, "PROCEDURE FOR RELEASE FROM**
1116 | **INVOLUNTARY DETENTION"** on the following page.

1118 | C. If the Superior Court of Guam grants the petition, take the following steps:

1119 | 1. Notify Isolation and Quarantine Logistics staff in order to activate isolation and/or quarantine
1120 | facilities for specified number of people.

1121 | 2. Notify relevant law enforcement that Petition for Involuntary Detention has been granted for
1122 | specific person or person(s).

1123 | Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

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1126 | 3. Request assistance from law enforcement personnel, as necessary, in order to take person or
1127 | persons into custody and/or to assume control of specified facilities.

1128 | 4. Add case contact name(s) to schedule of daily check-in calls.

1129 | 5. Conduct daily check-in calls to monitor person or persons' health status. Continue
1130 | conducting daily check-in calls until such time that person or persons are released from
1131 | involuntary detention.

1132 | 6. Record any irregularities discovered in check-in calls in Isolation and Quarantine
1133 | File/records. [i.e., change in health status]

1134 | 7. Flag any and all irregularities for IMMEDIATE supervisory action and follow up. [i.e., Law
1135 | Enforcement or Public Health action]

1136 | 8. Document in the Isolation and Quarantine Database any requests for assistance. Include the
1137 | following information:

1138 | a. nature and type of assistance requested,[be specific]

1139 | b. date and time the request was made;

1140 | c. source organization, contact name and phone number to which the request was assigned.
1141 | [e.g., Red Cross, local human services agency, health care provider, public health nurse]

1145 or multiple requests assigned to different purveyors, note this information for *each* type
1146 of assistance requested.
1147 d. reasonable requests for assistance could include requests for food, clothing, shelter, and
1148 means of communication, medication, medical care and special needs related to cultural
1149 and religious beliefs.

1150

1151 **VI. PROCEDURE FOR RELEASE FROM INVOLUNTARY DETENTION:**

1152

1153 A. There are several circumstances under which a person or persons may be released from
1154 Emergency Detention:

- 1155 1. The person or persons is no longer suspected to be, infected with, exposed to, or
1156 contaminated with a communicable disease or chemical, biological, or radiological agent; or
- 1157 2. The person or persons is/are deemed to no longer pose a serious and imminent risk to the
1158 health and safety of others if released from emergency detention; or
- 1159 3. The emergency detention order has expired; or
- 1160 4. The Superior Court of Guam did not grant authority for involuntary detention based upon the
1161 Petition.

1162

1163 B. In all such cases, once a decision has been made to release a person or persons from
1164 Involuntary Detention prior to, or upon the expiration date as noted on the Petition granted by
1165 the Superior Court of Guam, the following steps should be followed:

- 1166 1. Notify ISOLATION AND QUARANTINE LOGISTICS STAFF that person or persons are
1167 to be released from Involuntary Detention on a specified date and time.
- 1168 2. Notify relevant law enforcement that person or persons are to be released from Involuntary
1169 Detention on a specified date and time.
- 1170 3. Initiate direct contact with person or persons to be released from Involuntary Detention.

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1172 Section IV. Procedure for Petitioning the Superior Court of Guam for Involuntary Detention

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- 1175 4. Issue to person or persons at time of physical release, a written "Release from Involuntary
1176 Detention" statement. The written statement should indicate that they are being released
1177 because:
 - 1178 a. They are no longer suspected to be, infected with, exposed to, or contaminated with a
1179 communicable disease or chemical, biological, or radiological agent; or
 - 1180 b. They are deemed to no longer pose a serious and imminent risk to the health and safety of
1181 others if released from involuntary detention, or
 - 1182 c. They have been detained for the maximum time period of 30 days.
- 1183 5. A copy of the Release from Involuntary Detention is in **Attachment 11, Section IV**.
- 1184 6. Document date and time "Release from Involuntary Detention" statement was hand delivered
1185 to person or persons in the Isolation and Quarantine File.
- 1186 7. Maintain copy of letter(s) for files.
- 1187 8. Inactivate case contact(s), Involuntary Detention Status.

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1189 Approved:

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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
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

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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?

1242 YES / NO

1243

1244

OR

1245

1246 2-b) Have you determined and documented in your professional judgment that seeking voluntary
1247 compliance would be ineffective?

1248 YES / NO

1249

1250 3) Do you have reason to believe that the person or group of persons would pose a serious and
1251 imminent risk to the health and safety of others IF NOT DETAINED for purposes of isolation or
1252 quarantine?

1253 YES / NO

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1258 Individual Making Determination: _____

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1261 Date: _____

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1264 Signature: _____

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1270 Attachment 2. Section IV. Petition

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Territory of Guam
Superior Court of Guam

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In Re:

NO: _____

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_____ (use identifiers per Confidential

PETITION FOR EX PARTE ORDER

1280

Schedule)

AUTHORIZING INVOLUNTARY

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Respondents

DETENTION FOR ISOLATION OR QUARANTINE

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WHEN VOLUNTARY ISOLATION

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OR QUARANTINE, REFUSED

Deleted: OR ISOLATION

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

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1288 13 Services, Guam, by and through his/her attorney, _____, and petitions this
1289 14 court for an order *ex parte* authorizing involuntary detention for isolation or quarantine. This
1290
1291 15 petition is based on the pleadings and declaration of _____, attached hereto.

Deleted: or isolation

1293 16 1. JURISDICTION: This petition is requested under authority of Public Law 22-130; Ch:3;§ 3333

1295 18 2. IDENTITY PARTIES: _____, is the Director of the Department of Public Health and
1296
1297 19 Social Services with Office located at 123 Chalan Kareta, Mangilao, Guam
1298 20 Respondent(s) and their location are identified in the attached Confidential Schedule.

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1300 22 3. FACTUAL ALLEGATIONS:

1301 23 a. The Director of the Department of Public Health and Social Services (DPHSS) has determined, or has
1302
1303 24 suspected to be, infected with, exposed to, or contaminated with _____, which could infect or
1304 25 contaminate others if respondent(s) is/are not detained and quarantined or isolated.

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1305 26 The Director requested that respondent(s) voluntarily comply with isolation and quarantine requirements
1306
1307 27 to protect the public health, safety and welfare. Respondent(s) failed to comply or refused to comply
1308
1309 28 with infection control directives, including the directive for isolation or quarantine.

1311 PETITION FOR EX PARTE ORDER
1312 WHEN VOLUNTARY DETENTION
1313 REFUSED

1314 Attachment 2, Section IV, Petition

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1319 1 b. The DPHSS Director took the following measures seeking voluntary compliance:

Deleted: Health Officer

1321 3 c. The medical basis justifying detention for isolation or quarantine is justified is:

1323 5 4. RELIEF REQUESTED. Based on the above allegations as supported by the attached declaration, the
1324 6 the DPHSS Director requests the following:

1325 7 a. The entry of an order *ex parte* authorizing involuntary detention of the person(s) named herein at
1326 8 the location specified in the Confidential Schedule from _____, 20__ at _____ o'clock
1327 9 (Guam Time) to _____, 20__ at _____ o'clock AM/PM (not to exceed
1328
1329 10 ten days);

1334 11 b. The entry of an order sealing the Confidential Schedule and any other documents containing
1335
1336 12 the identity of the respondent(s), including the location of isolation or quarantine, to protect the privacy,
1337
1338 13 of their health care information.
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1340 15 c. Such other relief as the court deems reasonable and proper.
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1344 18 DATED this ____ day of _____, 20 ____.
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1350 24 Attorney's Name
1351 25 Attorney for DPHSS, Guam

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1354 27
1355 PETITION FOR EX PARTE ORDER
1356 WHEN VOLUNTARY DETENTION
1357 REFUSED
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1363 Attachment 3, Section IV, Declaration Deleted: March 15, 2011
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1368 1
1369 2 **Territory of Guam**
1370 3 **Superior Court of Guam**
1371 4
1372 5
1373 6 In Re: NO: _____
1374 7 _____ (use identifiers per Confidential Schedule) DECLARATION IN SUPPORT OF PETITION
1375 8 Respondents FOR EXPARTE AUTHORIZING
1376 9 INVOLUNTARY DETENTION FOR
1377 10 ISOLATION OR QUARANTINE,
1378 11

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_____ 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:

Deleted: &

DECLARATION SUPPORTING
EX PARTE DETENTION PETITION

Attachment 3, Section IV, Declaration

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6. Respondent(s)' condition or suspected condition poses a serious and imminent risk to the health and safety of others because:
7. Voluntary isolation or quarantine was attempted on. Respondent(s) refused to agree to voluntary isolation or quarantine.
8. To protect the public, respondent(s) should be detained in isolation or quarantine for a period of _____ days (no more than ten days), unless medical tests or other information conclusively establishes that he/she /they no longer present a threat to the public health, safety and welfare _____ declares:

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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

Deleted: March 15, 2011

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

1481
 1482 **Name(s)** **Address** **Identity in Pleadings**
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 1488 **Location of Detention**

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1510 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

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1527 13 **TO THE RESPONDENT(S):** A lawsuit has been started against you in the above entitled court by
 1528 14 _____ petitioner. Petitioner's claim is stated in the written petition, a copy of which is served
 1529 15 upon you with this summons.
 1530 16
 1531 17 In order to defend against this lawsuit, you must respond to the petition by stating your defense in writing,
 1532 18 and serve a copy upon the undersigned attorney for the petitioner within 20 days after the service of this
 1533 19 summons excluding the day of service, or a default judgment may be entered against you without notice.
 1534 20 If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before
 1535 21 default judgments may be entered.
 1536 22
 1537 23 You may demand that the petitioner file this lawsuit with the court. If you do so, the demand must be in
 1538 24 writing and must be served upon the petitioner. Within 14 days after you serve the demand the petitioner
 1539 25 must file this lawsuit.
 1540 26
 1541 27 If you wish to seek the advice of an attorney in this matter you should do so promptly so that your written
 1542 28 response, if any, may be served on time
 1543
 1544
 1545
 1546 **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:
 _____ (use identifiers per Confidential
 Schedule)
 Respondents

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

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

1571 | 15 Involuntary Detention for Isolation or Quarantine, ~~When Voluntary Isolation or Quarantine~~,
1572 |
1573 | 16 ~~Refused~~ filed by _____, Director for the Department of Public Health and Social
1574 | 17 Services (DPHSS), by and through his/her attorney, _____. The Court considered the pleadings
1575 | 18 and file herein and the declaration of _____ in support of the petition.
1576 |
1577 | 19

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1578 | 20 Based on the argument of counsel and the evidence presented, the Court finds:
1579 |
1580 | 21 1.1 The court has jurisdiction over the person and subject matter in this proceeding
1581 | 22 1.2 The Director of DPHSS sought voluntary compliance with isolation and quarantine measures,
1582 | 23 with which respondent(s) has/have refused or failed to comply.
1583 | 25 1.3 There is a reasonable basis supporting the need to isolate or quarantine the respondent(s)
1584 | 26 as they present a serious and imminent risk to the health and safety of others
1585 |
1586 | 27 1.4 Respondent(s)' identity(ies) and the location of isolation or quarantine should be kept confidential
1587 |
1588 | 28 to protect health care information under HIPAA (42 USC §1320d-1329d-8; 45 CFR Parts 160-164)
1589 |
1590 |

1591 **Based on the above findings, IT IS ORDERED**

1592
1593 EX PARTE ORDER WHEN
1594 VOLUNTARY DETENTION REFUSED
1595
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1598 Attachment 6. Section IV. Order
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Deleted: March 15, 2011

1601 | 1 2.1 The petition is granted and respondent(s) shall be and are hereby detained for isolation or quarantine
1602 | 2 as necessary to protect the public health, safety and welfare at the location specified on the Confidential
1603 | 3 Schedule from _____, 20__ at ___ o'clock AM/PM to from _____, 20__ at _____
1604 | 4 o'clock AM/PM, unless medical tests or other information conclusively establishes
1605 | 5 that he/she/they no longer present a threat to the public health, safety and welfare, whereupon,
1606 | 6 respondent(s) shall be immediately released from detention:
1607 | 7

1608 | 8 2.2 The confidential schedule and any other documents containing the identifying information about the
1609 | 9 respondent(s), including the location of isolation or quarantine, shall be and are hereby sealed to protect the
1610 | 10 privacy of their health care information.
1611 | 11

1612 | 13 **DATED** this ____ day of _____, 20__.
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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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1666 15 Services, by and through his/her attorney, _____ and asks this court for an order authorizing
 1667
 1668 16 extension of the period for involuntary detention for isolation or quarantine. On _____,
 1669 17 the court issued an, ex parte order authorizing involuntary detention for isolation or quarantine,
 1670 18 based on the petition submitted by _____ the Director.
 1671 19 The order issued on _____ authorized involuntary detention for isolation or quarantine,
 1672 20 of respondent(s) at the location specified on the Confidential Schedule from _____, 20____
 1673 21 at _____ o'clock AM/PM to _____, 20__ at _____ o'clock
 1674 22 AM/PM. This motion asks the court to extend the period of detention for isolation or quarantine
 1675 23 of respondent(s) up to an additional thirty days. The local health jurisdiction is in full
 1676 25 compliance with the isolation and quarantine principles and conditions contained in Public Law: 22-130.
 1677 26 This motion is based on P.L:22-130 the pleadings, record and file herein, and
 1678
 1679 27 the declaration of _____, attached hereto.
 1680
 1681 28 **DATED** this ____ day of _____, 20__.

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 Attorney's Name
 Attorney for DPHSS, Guam

MOTION FOR CONTINUATION
 OF DETENTION

Attachment 8, Section IV, Declaration in Support of 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 OR

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_____ declares:

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

1712 2. I am authorized by chapter 3; of P.L. 22-130, to take action necessary to protect the public health, safety and
1713 welfare.

1714
1715 3. Under P.L.:22-130 I am authorized to ask the court to issue an order for the continued involuntary detention of
1716 individuals who should be isolated or quarantined to protect the public health, safety and welfare.

1717
1718 4. I am asking this court to issue an order continuing the involuntarily detention of the individuals named on the
1719 attached Confidential Schedule because they continue to pose a threat to the public health, safety and welfare for the
1720 following reasons:

1721
1722
1723 5. Respondent(s) has/have been diagnosed with, or is/are suspected to have been exposed to, infected with, or
1724 contaminated by, _____ because:

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1728 MOTION FOR CONTINUATION OF
1729 DETENTION

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

Deleted: March 15, 2011

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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

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

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**Territory of Guam
Superior Court of Guam**

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

NO: _____
ORDER GRANTING MOTION FOR
CONTINUED INVOLUNTARY DETENTION
FOR 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

1 Based on the above findings, IT IS ORDERED

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

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

13
14
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16 DATED this _____ day of _____, 20__.

17
18
19 _____
20 JUDGE
21
22

23 Presented by:

24
25 _____
26 [Attorney's Name]
27 Attorney for DPHSS, GUAM
28

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

Deleted: DPHSS, GUAM

Deleted: March 15, 2011

**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

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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

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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

Deleted: March 15, 2011

1 c. The Director of the Department of Public Health and Social Services has determined or has reason to
2 believe that the respondent(s) is/are, or is/are suspected to be, infected with, exposed to,
3 or contaminated with _____, which could infect or contaminate others if respondent(s)
4 is/are not detained and isolated or quarantined, from others.

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5 d. The medical basis justifying isolation or quarantine is justified is:
6

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7 e. The anticipated duration of isolation or quarantine based on the suspected communicable disease or
8 infectious agents is _____ (not to exceed thirty days, not applicable to active TB
9 cases where the isolation could be much longer).
10

11 f. The local health jurisdiction is in full compliance with the isolation and quarantine principles and
12 conditions contained in Public Health 22-130, Chapter 3.
13

14 4. RELIEF REQUESTED. Based on the above allegations as supported by the attached declaration, the
15 Director of Public Health and Social Services requests the following:

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

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

23 c. Such other relief as the court deems reasonable and proper.
24

25
26 DATED this ____ day of _____, 20__.

27 _____
28 Attorney's Name
Attorney for DPHSS, Guam

PETITION FOR CONTINUATION OF
INVOLUNTARY DETENTION

Deleted: March 15, 2011

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

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

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DECLARATION SUPPORTING
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

Attachment 13, Section IV—Declaration in Support of Petition

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

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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.

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10 . specified in the attached Confidential Schedule,

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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
PETITION FOR ORDER CONTINUING
INVOLUNTARY DETENTION

Attachment 14, Section IV, Confidential Schedule

Deleted: March 15, 2011

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
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Location of Detention

Attachment 15, Section IV—Summons

Deleted: March 15, 2011

1
2 **Territory of Guam**

3 Superior Court of Guam

4
5
6 In Re:
7 _____ (use identifiers per Confidential
8 Schedule)
9 Respondents

NO: _____
SUMMONS

10
11
12
13 **TO THE RESPONDENT(S):** A lawsuit has been started against you in the above entitled court by
14 _____ petitioner. Petitioner's claim is stated in the written petition, a copy of which is served upon
15 you with this summons.

16
17 In order to defend against this lawsuit, you must respond to the petition by stating your defense in writing,
18 and serve a copy upon the undersigned attorney for the petitioner within 20 days after the service of this
19 summons excluding the day of service, or a default judgment may be entered against you without notice
20 If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a
21 default judgment may be entered.

22
23 You may demand that the petitioner file this lawsuit with the court. If you do so, the demand must be in
24 writing and must be served upon the petitioner. Within 14 days after you serve the demand the petitioner
25 must file this lawsuit with the court, or the service on you of this summons and petition will be void.

26
27 If you wish to seek the advice of an attorney in this matter you should do so promptly so that your written
28 response, if any, may be served on time

29 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

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**Territory of Guam
Superior Court of Guam**

In Re:

____ (use identifiers per Confidential
Schedule)
Respondents

NO: _____

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY DETENTION
FOR ISOLATION OR QUARANTINE

Deleted: OR ISOLATION

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.

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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. 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).

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ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR ISOLATION OR QUARANTINE.

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

3
4 1.5 Respondent(s)' identity(ies) and location of isolation and quarantine should be kept confidential to
5 protect health care information under HIPAA (42 USC § 1320d-1 329d-8; 45 CFR Parts 160-164) and
7 P.L.22-130; chapter 3.

8
9 Based on the above findings, IT IS ORDERED:

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

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

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

22
23 _____
24 JUDGE

25 Presented by:

26 _____
27 Attorney's Name
Attorney for DPHSS, GUAM
License #

ORDER GRANTING PETITION FOR
CONTINUED INVOLUNTARY
DETENTION FOR 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	<i>[Signature]</i>	DPHSS	✓	✓	✓		735-7142
ANNAKITTY MATHEW	<i>[Signature]</i>	DPHSS					
SUZANNE SISON	<i>[Signature]</i>	DPHSS			✓		735-7364
<i>None Follows</i>							

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 pursuing 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 Libeslaturan 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

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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Senator
vicente c. pangelinan

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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:



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
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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

2011 DEC -2 PM 9:44
EJM

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

1 Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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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)

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Transmitted herewith is a listing of *1 Mina'trentai Unu na Libeslaturan 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'dse' 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

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155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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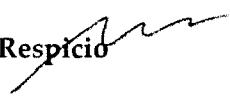
Senator
Christopher M. Duenas

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 Lihelaturan 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

Page 1 of 1

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	Comte 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			



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

Amended Public Hearing Notice

2 messages

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Fri, Feb 3, 2012 at 5:49 PM

To: "Dennis Rodriguez Jr." <senatorrodriguez@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 Guáhan
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](tel:671.649.8638)

Email: Cherbert.senatorrodriguez@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.

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

Fri, Feb 3, 2012 at 5:57 PM

Clifton Herbert <cherbert.senatordrodriguez@gmail.com>

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

[Quoted text hidden]

 **Public Hearing 1st Notice Feb. 9, 2012.pdf**
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Listserv: phnotice@guamlegislature.org

As of Jan. 30, 2012

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wilcastro671@gmail.com



SENATOR DENNIS G. RODRIGUEZ, JR.

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.

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

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

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)



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

1st Notice of Public Hearing 2-9-12

1 message

Clifton Herbert <cherbert.senatorrodriguez@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@glimpsesofiguam.com, ricknauta@hitradiio100.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@hitradiio100.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Jr <news@lifeneews.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.senatorrodriguez@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](tel:671.649.8638)

Email: Cherbert.senatorrodriguez@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



Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Amended Public Hearing Notice

2 messages

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Fri, Feb 3, 2012 at 5:47 PM

To: clynt@spbguam.com, dcristostomo@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@glimpsesofiguam.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@lifeneews.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

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: 671.649.8638Email: Cherbert.senatorrodriguez@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>
To: cherbert.senatorrodriguez@gmail.com

Fri, Feb 3, 2012 at 5:47 PM

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.glimpsesofoquam@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.senatorrodriguez@gmail.com>

Received: (qmail 10569 invoked by uid 98); 3 Feb 2012 17:47:29 +1000

Delivered-To: reporter3@glimpsesofoquam.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@glimpsesofoquam.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;

bh=AyaTtPvtoypOikO5O2S8y4JhUisUTNDTJYXLI5mGzTs=;

b=agVugQMFN+3EIghQ5S/4KNGbdGhfh75hBJdstNWlk9aWcYbaCT4oe/RSWMGFoAx7L7

TUre6GzefqiAWGWctXvLPUBunJw2/81Vbo9AID5sPQOc7rdDjBDn218ufjFkrZQGcU

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.senatorrodriguez@gmail.com>



SENATOR DENNIS G. RODRIGUEZ, JR.

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING

Thursday, February 9, 2012 2:00PM

AMENDED

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, & Land
Retirement, & Land

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

Assistant Majority Whip

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 Guahan'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.

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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 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)



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

2nd Notice of Public Hearing

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Tue, Feb 7, 2012 at 9:22 AM

To: "Dennis Rodriguez Jr." <senatorrodriguez@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

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 *Liheslaturan Guahan'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*)
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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.

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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

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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.

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING

Thursday, February 9, 2012 9:00AM

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
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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

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9:00AM

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2:00PM

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

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E-mail: senatordrodriguez@gmail.com



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

2nd Notice of Public Hearing

2 messages

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

To: "Dennis Rodriguez Jr." <senatorrodriguez@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

Uffsinan 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.

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Thursday, February 9, 2012 2:00PM

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
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Member,
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Member,
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Guam Military Buildup
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Member,
Committee on Utilities,
Transportation, Public
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& Veterans Affairs

Assistant Majority Whip

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2:00PM

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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.



SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA

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

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

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.
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.

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.