

PUBLIC HEALTH CODE

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

PUBLIC HEALTH CODE

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PUBLIC HEALTH CODE

CHAPTER 1. PUBLIC HEALTH OFFICER; DEFINITIONS

SECTION 1.01. PUBLIC HEALTH OFFICER

The Chief Executive Officer of the Yellowhawk Tribal Health Center, or their designee, shall serve as the Public Health Officer.

- A. The Public Health Officer may investigate a case or a reportable disease, disease outbreak, epidemic, or pandemic. The investigation may include:
 - 1. Interviews of the subject of a reportable disease report, health care providers, employees of a health care facility, or anyone else who may reasonably have relevant information regarding such a case.
 - 2. Requiring a health care provider, any public or private entity, or an individual who has information necessary for the investigation to permit inspection of the information by the Public Health Officer, and release the information to the Public Health Officer or Oregon Health Authority.
 - 3. Inspection, sampling and testing of real or personal property with consent of the owner(s) or custodian(s) of the property or with a warrant.
- B. Information the Public Health Officer may request can include individually identifiable health information related to:
 - 1. The case,
 - 2. An individual who may be the potential source of exposure or infection,
 - 3. An individual who has been or may have been exposed to or affected by the disease,
 - 4. Policies, practices, systems or structures that may have affected the likelihood of disease transmission, and
 - 5. Factors that may influence an individual's susceptibility to the disease or likelihood of being diagnosed with the disease.
- C. Any person making a report or providing information under this section is immune from any civil or criminal liability that might otherwise be incurred or imposed with respect to the making of a report or providing information under this section.

SECTION 1.02. DEFINITIONS

- A. "Communicable disease" means a disease or condition, the infectious agent of which may be transmitted by any means from one person or from an animal to another person, that may result in illness, death or severe disability.
- B. "Control" means a person without a reportable disease about whom information is collected for purposes of comparison to a person or persons with the reportable disease.
- C. "Disease outbreak" means a significant or notable increase in the number of cases of a disease or other condition of public health importance.

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- D. “Epidemic” means the occurrence in a community or region of a group of similar conditions of public health importance that are in excess of normal expectancy and derived from a common or propagated source.
- E. “Individually identifiable health information” means any oral or written health information in any form or medium that is:
1. Created or received by a covered entity as that term is defined by The Health Insurance Portability and Accountability Act of 1996, an employer or a health care provider that is not a covered entity; and
 2. Identifiable to an individual, including demographic information that identifies the individual, or for which there is a reasonable basis to believe the information can be used to identify an individual, and that relates to:
 - a. The past, present or future physical or mental health or condition of an individual;
 - b. The provision of health care to an individual; or
 - c. The past, present or future payment for the provision of health care to an individual.
- F. “Isolation” means the physical separation and confinement of a person or group of persons who are infected or reasonably believed to be infected with a communicable disease or possibly communicable disease from non-isolated persons to prevent or limit the transmission of the disease to non-isolated persons.
- G. “Property” means animals, inanimate objects, vessels, public conveyances, buildings and all other real or personal property.
- H. “Public health emergency” means an occurrence or imminent threat of an illness or health condition that:
1. Is believed to be caused by any of the following:
 - a. Bioterrorism;
 - b. The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin that may be highly contagious;
 - c. An epidemic of communicable disease; or
 - d. A natural disaster, a chemical attack or accidental chemical release or a nuclear attack or nuclear accident; and
 2. Poses a high probability of any of the following harms:
 - a. A large number of deaths in the affected population;
 - b. A large number of serious or long-term disabilities in the affected population; or
 - c. Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of persons in the affected population.

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- I. “Public health measure” means a test, medical examination, treatment, isolation, quarantine or other measure imposed on an individual or group of individuals in order to prevent the spread of or exposure to a communicable disease, toxic substance or transmissible agent.
- J. “Quarantine” means the physical separation and confinement of a person or group of persons who have been or may have been exposed to a communicable disease or possibly communicable disease and who do not show signs or symptoms of a communicable disease, from persons who have not been exposed to a communicable disease or possibly communicable disease, to prevent or limit the transmission of the disease to other persons.
- K. “Reportable disease” means a disease or condition, the reporting of which enables the Public Health Officer to take action to protect or to benefit the public health and includes all diseases identified as reportable by the Oregon Health Authority.
- L. “Simultaneous electronic transmission” means transmission by television, telephone or any other electronic or digital means if the form of transmission allows:
 - 1. The court and the person making the appearance to communicate with each other during the proceeding; and
 - 2. A person who is represented by legal counsel to consult privately with the person’s attorney during the proceeding.
- M. “Toxic substance” means a substance that may cause illness, disability or death to persons who are exposed to it.

CHAPTER 2. CONFIDENTIALITY

SECTION 2.01. CONFIDENTIALITY; COURT EXAMINATION.

- A. Except as provided in Section 2.02, information obtained by the Public Health Officer in the course of an investigation of a reportable disease or disease outbreak is confidential and is exempt from disclosure.
- B. Except as required for the administration or enforcement of public health laws or rules, the Public Health Officer or their employee may not be examined in an administrative or judicial proceeding about the existence or contents of a reportable disease report or other information received by the Public Health Officer in the course of an investigation of a reportable disease or disease outbreak.

SECTION 2.02. PERMISSIBLE RELEASE OF INFORMATION

- A. The Public Health Officer may release information obtained during an investigation of a reportable disease or disease outbreak to:
 - 1. Tribal, state, local or federal agencies, departments, or programs authorized to receive the information under tribal, state, or federal law;
 - 2. Health care providers if necessary for the evaluation or treatment of a reportable disease;
 - 3. Law enforcement officials to the extent necessary to carry out the authority granted to the Public Health Officer under this Code;
 - 4. A person who may have been exposed to a communicable disease;

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5. A person with information necessary to assist the Public Health Officer in identifying an individual who may have been exposed to a communicable disease;
 6. The individual who is the subject of the information or the legal representative of that individual; and
 7. An employer of the Confederated Tribes when necessary for the employer to take remedial action, such as decontamination of facilities, to prevent community outbreak or exposure of employees to a dangerous communicable disease. Such disclosure shall only be to those for whom it is necessary to provide the information in order to prevent such outbreak or exposure. Any individual receiving such information shall maintain the information in strict confidence and shall be subject to termination of employment in the event of inappropriate disclosure.
- B. The Public Health Officer may release individually identifiable information under subsection (A)(4), (5), or (7) of this section only if there is clear and convincing evidence that the release is necessary to avoid an immediate danger to other individuals or to the public.
- C. The Public Health Officer may release only the minimum amount of information necessary to carry out the purpose of the release pursuant to subsection (A) of this section.

SECTION 2.03. IMMUNITY FOR GOOD FAITH.

A decision not to disclose information under this subsection, if made in good faith, shall not subject the entity or person withholding the information to any liability.

SECTION 2.04. GENERAL INFORMATION; ROUTINE DISPOSAL OF INFORMATION.

Nothing in this Chapter:

1. Prevents the Public Health Officer from publishing statistical compilations and reports relating to reportable disease investigations if the compilations and reports do not identify individual cases or sources of information;
2. Affects the confidentiality or admissibility into evidence of information not otherwise confidential or privileged that is obtained from sources other than the Public Health Officer; or
3. Prevents dispositions of information for the retention or disposition of records that are in the custody of the Public Health Officer provided the records retention requirements of the United States Government are followed.

**CHAPTER 3. EXAMINATION; PUBLIC HEALTH MEASURE
IMPOSED**

SECTION 3.01. MANDATED TESTING.

- A. The Public Health Officer may require testing or medical examination of any person who may have, or may have been exposed to, a communicable disease identified as a reportable disease, a new or uncommon disease of potential public health significance, or a condition that is the basis of a state of public health emergency declared by the Board of Trustees or their designee. The Public Health Officer must issue a written order for testing or medical examination pursuant to this section.

B. A written order must:

1. Include findings stating the communicable disease that the Public Health Officer believes the person has and the reasons for that belief.
2. State whether medical or laboratory confirmation of the disease is feasible and possible and whether such confirmation would enable control measures to be taken to minimize infection of others with the disease.
3. Include a statement that the person may refuse to submit to the testing or medical examination and that if the testing or examination is refused, the Public Health Officer may seek the imposition of a public health measure, including isolation or quarantine pursuant to this Code.

SECTION 3.02. TEST REPORTS.

When a person is directed to submit to a test or examination under this section and the person agrees to do so, the person shall submit to any testing or examination as may be necessary to establish the presence or absence of the communicable disease for which the testing or examination was directed. The examination shall be carried out by the Public Health Officer or their designee or a physician licensed by the Oregon Medical Board or the Oregon Board of Naturopathic Medicine. A written report of the results of the test or examination shall be provided to the person ordering the test or examination, and upon request, to the person tested or examined. Laboratory examinations, if any, shall be carried out by the laboratory of the authority whenever the examinations are within the scope of the tests conducted by the laboratory. If treatment is needed, the person or the parent or guardian of the person shall be liable for the costs of treatment based on the examination carried out under this section, if the person liable is able to pay the treatment costs.

SECTION 3.03. PRESCRIBED COURSE OF TREATMENT.

If a person has a communicable disease, a new or uncommon disease of potential public health significance, or a condition that is the basis of a public health emergency, the Public Health Officer may issue an order requiring the person to complete an appropriate prescribed course of medication or other treatment for the communicable disease, including directly observed therapy if appropriate, and to follow infection control provisions for the disease. The order shall also include statements that the person may refuse the medication or other treatment and that the person's failure to comply with the order issued under this subsection may result in the Public Health Officer seeking the imposition of a public health measure, including isolation or quarantine as authorized by this Code.

SECTION 3.04. VOLUNTARY COMPLIANCE PREFERRED.

The Public Health Officer must make every effort to obtain voluntary compliance from a person for any testing, medical examination and treatment required under this Chapter.

SECTION 3.05. LEAST RESTRICTIVE MEANS.

Any action taken by the Public Health Director or the local public health administrator under this section to compel testing, medical examination or treatment of a person who has a communicable disease, a new or uncommon disease of potential public health significance, or a condition that is the basis of a state of public health emergency must be the least restrictive alternative available to accomplish the results necessary to minimize the transmission of the disease to others.

CHAPTER 4. PUBLIC HEALTH MEASURES

SECTION 4.01. USE OF PRECAUTIONARY MEASURES BY PHYSICIANS

Every physician, physician assistant, naturopathic physician or nurse attending a person affected with any communicable disease shall use all precautionary measures to prevent the spread of the disease as the Public Health Officer may prescribe.

SECTION 4.02. EMERGENCY ADMINISTRATIVE ORDER FOR ISOLATION OR QUARANTINE

A. The Public Health Officer may issue an emergency administrative order causing a person or group of persons to be placed in isolation or quarantine if there is probable cause to believe that a person or group of persons requires immediate detention in order to avoid a clear and immediate danger to others and that considerations of safety do not allow initiation of the petition process set out in Section 4.03. An administrative order issued under this section must:

1. Identify the person or group of persons subject to isolation or quarantine;
2. Identify the premises where isolation or quarantine will take place, if known;
3. Either:
 - A. Describe the reasonable efforts made to obtain voluntary compliance with a request for an emergency public health action including requests for testing or medical examination, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities; or
 - B. Explain why reasonable efforts to obtain voluntary compliance are not possible and why the pursuit of these efforts creates a risk of serious harm to others;
4. Describe the suspected communicable disease or toxic substance, if known, that is the basis for the issuance of the emergency administrative order and the anticipated duration of isolation or quarantine based on the suspected communicable disease or toxic substance;
5. Provide information supporting the reasonable belief of the Public Health Officer that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or toxic substance that could spread to or contaminate others if remedial action is not taken;
6. Provide information supporting the reasonable belief of the Public Health Officer 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;
7. Describe the medical basis for which isolation or quarantine is justified and explain why isolation or quarantine is the least restrictive means available to prevent a risk to the health and safety of others;
8. Establish the time and date at which the isolation or quarantine commences; and
9. Contain a statement of compliance with the conditions of and principles for isolation and quarantine specified in Chapter 5.

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- B. In lieu of issuing an emergency administrative order under subsection (A) of this section, the Public Health Officer may petition the court for a written ex parte order. The petition to the court and the court's order must include the information described in subsection (A) of this section. If a petition is filed the Public Health Officer:
 - 1. Shall make reasonable efforts to serve the person or group of persons subject to isolation or quarantine with the petition before the petition is filed; and
 - 2. Is not required to provide prior notice of an ex parte proceeding at which the petition is being considered by the court.
- C. Within 12 hours of the issuance of an order under subsection (A) or (B) of this section, the person or group of persons detained or sought for detention must be personally served with the written notice required by Section 4.04 and with a copy of any order issued under subsection (A) or (B) of this section. If copies of the notice and order cannot be personally served in a timely manner to a group of persons because the number of persons in the group makes personal service impracticable, the Public Health Officer shall post the notice and order in a conspicuous place where the notice and order can be viewed by those detained or shall find other means to meaningfully communicate the information in the notice and order to those detained.
- D. A person or group of persons detained pursuant to an order issued under subsection (A) or (B) of this section may not be detained for longer than 72 hours unless a petition is filed under Section 4.03.
- E. If the detention of a person or group of persons for longer than 72 hours is deemed necessary, immediately following the issuance of an order under subsection (A) or (B) of this section, the Public Health Officer must petition the court in accordance with Section 4.03.
- F. A person or group of persons detained under subsection (A) or (B) of this section has the right to be represented by legal counsel.

SECTION 4.03. PETITION FOR ISOLATION OR QUARANTINE - CONTENTS

- A. The Public Health Officer may petition the court for an order authorizing:
 - 1. The isolation or quarantine of a person or group of persons; or
 - 2. The continued isolation or quarantine of a person or group of persons detained under Section 4.02.
- B. A petition filed under subsections (A) and (I) of this section must:
 - 1. Identify the person or group of persons subject to isolation or quarantine;
 - 2. Identify the premises where isolation or quarantine will take place, if known;
 - 3. Describe the reasonable efforts made to obtain voluntary compliance with a request for an emergency public health action, including requests for testing or medical examination, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine and inspection and closure of facilities; or Explain why reasonable efforts to obtain voluntary compliance are not possible and why the pursuit of these efforts creates a risk of serious harm to others;
 - 4. Describe the suspected communicable disease or toxic substance, if known, and the anticipated duration of isolation or quarantine based on the suspected communicable disease, infectious agent or toxic substance;

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5. Provide information supporting the reasonable belief of the Public Health Officer that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or toxic substance that could spread to or contaminate others if remedial action is not taken;
 6. Provide information supporting the reasonable belief of the Public Health Officer that the person or group of persons would pose a serious risk to the health and safety of others if not detained for purposes of isolation or quarantine;
 7. Describe the medical basis for which isolation or quarantine is justified and explain why isolation or quarantine is the least restrictive means available to prevent a serious risk to the health and safety of others;
 8. Establish the time and date on which the isolation or quarantine commences; and
 9. Contain a statement of compliance with the conditions of and principles for isolation and quarantine specified in Chapter 5.
- C. The person or group of persons detained or sought for detention must be personally served with a copy of the petition filed with the court under subsection (A) of this section and with the written notice required by Section 4.04. If copies of the petition and notice cannot be personally served in a timely manner to a group of persons because the number of persons in the group makes personal service impracticable, the Public Health Officer shall post the petition and notice in a conspicuous place where the petition and notice can be viewed by those detained or find other means to meaningfully communicate the information in the petition and notice to those detained.
- D. A person or group of persons subject to a petition filed under subsection (A) or (I) of this section has the right to be represented by legal counsel.
- E. Upon the filing of a petition under subsection (A) of this section to continue isolation or quarantine for a person or group of persons detained under an emergency administrative or ex parte order issued under Section 4.02, the court shall issue an order extending the isolation or quarantine order until the court holds a hearing pursuant to subsection (F) of this section.
- F. The court shall hold a hearing on a petition filed under subsection (A) of this section within 72 hours of the filing of the petition, exclusive of Saturdays, Sundays and legal holidays.
1. In extraordinary circumstances and for good cause shown, or with consent of the affected persons, the Public Health Officer may apply to continue the hearing date for up to 10 days. The court may grant a continuance at its discretion, giving due regard to the rights of the affected persons, the protection of the public health, the severity of the public health threat and the availability of necessary witnesses and evidence.
 2. The hearing required under this subsection may be waived by consent of the affected persons.
 3. Any evidence presented at the hearing that would otherwise be privileged and not subject to disclosure shall be disclosed only to the court, the parties and their legal counsel or persons authorized by the court and may not be disclosed to the public.
- G. The Public Health Officer may request that a person or group of persons who is the subject of a petition filed under subsection (A) or (I) of this section not personally appear before the court because personal appearance would pose a risk of serious harm to others. If the court grants the director's or local public health administrator's request or if the

court determines that personal appearance by the person or group of persons who is the subject of the petition poses a risk of serious harm to others, the court proceeding must be conducted by legal counsel for the person or group of persons or must be held at a location, or by any means, including simultaneous electronic transmission, that allows all parties to fully participate.

- H. The court shall grant the petition if, by clear and convincing evidence, the court finds that isolation or quarantine is necessary to prevent a serious risk to the health and safety of others. In lieu of or in addition to isolation or quarantine, the court may order the imposition of other public health measures appropriate to the public health threat presented. The court order must:
1. Specify the maximum duration for the isolation or quarantine, which may not exceed 60 days unless there is substantial medical evidence indicating that the condition that is the basis of the public health threat is spread by airborne transmission and cannot be rendered noninfectious within 60 days or may recur after 60 days, in which case the maximum duration of the isolation or quarantine may not exceed a period of 180 days;
 2. Identify the person or group of persons subject to the order by name or shared or similar characteristics or circumstances;
 3. Specify the factual findings warranting imposition of isolation, quarantine or another public health measure;
 4. Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section; and
 5. Be served on all affected persons or groups in accordance with subsection (C) of this section.
- I. Prior to the expiration of a court order issued under subsection (H) or (J) of this section, the Public Health Director Officer may petition the court to continue isolation or quarantine. A petition filed under this subsection must comply with the requirements of subsections (B) to (H) of this section.
- J. The court shall hold a hearing on a petition filed under subsection (I) of this section within 72 hours of filing, exclusive of Saturdays, Sundays and legal holidays.
1. In extraordinary circumstances and for good cause shown, or with consent of the affected persons, the Public Health Director or the local public health administrator may apply to continue the hearing date for up to 10 days. The court may grant a continuance at its discretion, giving due regard to the rights of the affected persons, the protection of the public health, the severity of the public health threat and the availability of necessary witnesses and evidence.
 2. The hearing required under this subsection may be waived by consent of the affected parties.
 3. The court may continue the isolation or quarantine order if the court finds there is clear and convincing evidence that continued isolation or quarantine is necessary to prevent a serious threat to the health and safety of others. In lieu of or in addition to continued isolation or quarantine, the court may order the imposition of a public health measure appropriate to the public health threat presented.
 4. An order issued under this subsection must comply with the requirements of subsection (H) of this section.

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- K. An order issued under subsection (J) of this section must be for a period not to exceed 60 days and must be served on all affected parties in accordance with subsection (C) of this section.
- L. In no case may a person or group of persons be in quarantine or isolation for longer than 180 days unless, following a hearing, a court finds that extraordinary circumstances exist and that the person or group of persons subject to isolation or quarantine continues to pose a serious threat to the health and safety of others if detention is not continued.
- M. Failure to obey a court order issued under this section subjects the person in violation of the order to criminal contempt proceedings under the Criminal Code.

SECTION 4.04. WRITTEN NOTICE OF ISOLATION OR QUARANTINE

- A. The Public Health Officer shall provide the person or group of persons detained or sought for detention under Section 4.03 or Section 4.02 with a written notice informing the person or group of persons of:
 - 1. The right to legal counsel, including how to request and communicate with counsel;
 - 2. The right to petition the court for release from isolation or quarantine and the procedures for filing a petition;
 - 3. The conditions of and principles of isolation and quarantine specified in Section 2.05;
 - 4. The right to petition the court for a remedy regarding a breach of the conditions of isolation or quarantine imposed on the person or group of persons and the procedures for filing a petition; and
 - 5. The sanctions that may be imposed for violating an order issued under Section 4.02 or Section 4.03.

CHAPTER 5. CONDITIONS AND RIGHT OF ENTRY

SECTION 5.01. CONDITIONS OF ISOLATION OR QUARANTINE

When isolating or quarantining a person or group of persons, the Public Health Officer shall adhere to the following conditions and principles:

- A. Isolation or quarantine must be by the least restrictive means necessary to prevent the spread of a communicable disease or possibly communicable disease to others or to limit exposure to or contamination with a toxic substance by others, and may include, but is not limited to, confinement to private homes or other public or private premises.
- B. Confinement may not be in a prison, jail or other facility where those charged with a crime or a violation of a municipal ordinance are incarcerated unless:
 - 1. The person or group of persons represents an immediate and serious physical threat to the staff or physical facilities of a hospital or other facility in which the person or group of persons has been confined; or
 - 2. A person has been found in contempt of court for failure to obey a court order.
- C. Isolated persons must be confined separately from quarantined persons. If a facility is not capable of separating isolated persons from quarantined persons, either the isolated persons or the quarantined persons must be moved to a separate facility.

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- D. The health status of an isolated or quarantined person must be monitored regularly to determine if the person requires continued isolation or quarantine.
- E. A quarantined person who subsequently becomes infected or is reasonably believed to have become infected with a communicable disease or possibly communicable disease that the Public Health Officer believes poses a significant threat to the health and safety of other quarantined persons must be promptly placed in isolation.
- F. An isolated or quarantined person must be released as soon as practicable when the Public Health Officer determines that the person has been successfully decontaminated or that the person no longer poses a substantial risk of transmitting a communicable disease or possibly communicable disease that would constitute a serious or imminent threat to the health and safety of others.
- G. The needs of a person who is isolated or quarantined must be addressed to the greatest extent practicable in a systematic and competent fashion, including, but not limited to, providing adequate food, medication, competent medical care, clothing, shelter and means of communication with other persons who are in isolation or quarantine and persons who are not under isolation or quarantine.
- H. Premises used for isolation or quarantine must, to the extent practicable, be maintained in a safe and hygienic manner to lessen the likelihood of further transmission of a communicable disease or possibly communicable disease or of further harm to persons who are isolated and quarantined.
- I. Cultural and religious beliefs should be considered to the extent practicable in addressing the needs of persons who are isolated or quarantined and in establishing and maintaining premises used for isolation or quarantine.
 - 1. Isolation or quarantine shall not abridge the right of any person to rely exclusively on spiritual means to treat a communicable disease or possibly communicable disease in accordance with religious or other spiritual tenets and practices.
 - 2. Nothing in this Code prohibits a person who relies exclusively on spiritual means to treat a communicable disease or possibly communicable disease and who is infected with a communicable disease or has been exposed to a toxic substance from being isolated or quarantined in a private place of the person's own choice, provided the private place is approved by the Public Health Officer and the person who is isolated or quarantined complies with all laws, rules and regulations governing control, sanitation, isolation and quarantine.
- J. The Public Health Officer shall provide adequate means of communication between a person or a group of persons who is isolated or quarantined and legal counsel for the person or group of persons.

SECTION 5.02. ENTRY INTO PREMESIS USED FOR ISOLATION OR QUARANTINE

- A. Entry into premises used for isolation or quarantine shall be allowed under the following conditions:
 - 1. The Public Health Officer may authorize physicians or other health care workers or other persons access to persons or groups of persons who are in isolation or quarantine as necessary to meet the needs of isolated or quarantined persons;
 - 2. Only persons authorized by the Public Health Officer may enter premises used for isolation or quarantine;

3. An authorized person entering premises used for isolation or quarantine shall be provided with infection control training and may be required to wear personal protective equipment or to receive vaccinations as determined by the Public Health Officer; and
 4. A person entering premises used for isolation or quarantine with or without authorization of the Public Health Officer may become subject to isolation or quarantine.
- B. Persons subject to isolation or quarantine and other persons entering premises used for isolation or quarantine are subject to rules and orders of the Public Health Officer. Failure to comply with rules and orders of the Public Health Officer is a civil infraction subject to a penalty of up to \$250.
- C. Nothing in this section prohibits a physician or other health care worker in a health care facility from having access to a person or a group of persons who is in isolation or quarantine if the infection control procedures and other precautions determined necessary by the Public Health Officer are adhered to by the facility and the physician or other health care worker seeking access to the isolated or quarantined person.

CHAPTER 6. COURT PROCESS

SECTION 6.01. SHOW CAUSE ORDER FOR RELEASE FROM DETENTION

- A. Any person or group of persons who is isolated or quarantined may apply to the court for an order to show cause why the individual or group should not be released.
1. The court shall rule on the application to show cause within 48 hours of the filing of the application, excluding weekends and holidays or where good cause to delay has been determined.
 2. The court shall grant the application if there is a reasonable basis to support the allegations in the application, and the court shall schedule a hearing on the order requiring the Public Health Officer to appear and to show cause within five working days of the filing of the application.
 3. The issuance of an order to show cause and ordering the Public Health Officer to appear and show cause does not stay or enjoin an isolation or quarantine order.
- B. A person or group of persons who is isolated or quarantined may request a court hearing for remedies regarding breaches of the conditions of isolation or quarantine required by this Code.
1. The court shall hold a hearing if there is a reasonable basis to believe there has been a breach of the conditions of isolation or quarantine required by this Code.
 2. A request for a hearing does not stay or enjoin an order for isolation or quarantine.
 3. Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court shall hold a hearing on the matters alleged as soon as practicable, otherwise the court shall hold a hearing on the matters alleged within five business days from receipt of the request.
- C. In any proceedings brought for relief under this section, in extraordinary circumstances and for good cause shown, or with consent of the petitioner or petitioners the Public Health Officer may move the court to extend the time for a hearing. The court in its discretion may grant the extension giving due regard to the rights of the affected persons,

the protection of the public health, the severity of the emergency and the availability of necessary witnesses and evidence.

- D. If a person or group of persons who is detained cannot personally appear before the court because such an appearance poses a risk of serious harm to others, the court proceeding may be conducted by legal counsel for the person or group of persons and be held at a location, or by any means, including simultaneous electronic transmission, that allows all parties to fully participate.
- E. If the court finds, by clear and convincing evidence, that a person or group of persons no longer poses a serious risk to the health and safety to others, the court may order the release of that person or group of persons from isolation or quarantine.
- F. If the court finds by clear and convincing evidence that a person or group of persons is not being held in accordance with the conditions of isolation or quarantine required by this Code, the court may order an appropriate remedy to ensure compliance with the requirements of this Code.

SECTION 6.02. CONSOLIDATION OF PROCEEDINGS

- A. Upon receiving multiple petitions, to promote the fair and efficient operation of justice and having given due regard to the rights of affected persons, the severity of the threat to the public health, and the availability of necessary witnesses and evidence, a court may order the consolidation of the proceedings when:
 - 1. The number of persons involved or to be affected is so large that individual participation is rendered impracticable;
 - 2. There are questions of law or fact common to the individual petitions or rights to be determined;
 - 3. The group petitioner rights to be determined are typical of the affected persons' petitions or rights; and
 - 4. The entire group will be adequately represented in the consolidation.

SECTION 6.03. COURT RECORDS; CONTENTS; DISCLOSURE

- A. The court shall cause to be recorded in the court records: a full account of proceedings at hearings; the petitions, affidavits, judgments and orders of the court; and a copy of the orders issued.
- B. Any portion of the account of the proceedings, the transcript of testimony, the petition, any affidavit, judgment, order of the court, recording of the proceeding or any other court record may be disclosed only:
 - 1. Upon request of a person subject to the proceedings or the legal representative or attorney of the person;
 - 2. To the Public Health Officer; or
 - 3. Pursuant to court order, when the court finds that the petitioner's interest in public disclosure outweighs the privacy interests of the individual who is the subject of the petition.

SECTION 6.04. LAW ENFORCEMENT TO ASSIST IN ENFORCING ORDERS

The Umatilla Tribal Police Department, to the extent resources are available, must assist the Public Health Officer in enforcing orders issued under this Code.

CHAPTER 7. PROPERTIES AND CONVEYANCES

SECTION 7.01. PETITION TO ISOLATE PROPERTY; CONTAMINATION; PETITION CONTENTS

- A. The Public Health Officer may petition the court to isolate property by restricting access in a manner that reduces or prevents exposure to a toxic substance if there is reason to believe the property is contaminated with a toxic substance that poses a serious risk to the health and safety of others. The petition must:
1. Describe the property subject to isolation;
 2. Describe the reasonable efforts made to obtain voluntary compliance from the owner or custodian of the property with public health measures necessary to isolate the property; or Explain why reasonable efforts to obtain voluntary compliance are not possible and why the pursuit of these efforts creates a risk of serious harm to others;
 3. Describe the suspected toxic substance and the health effects of exposure to the toxic substance;
 4. Provide information supporting the reasonable belief of the Public Health Officer that the toxic substance could spread to or contaminate others if remedial action is not taken;
 5. Provide information supporting the reasonable belief of the Public Health Officer that the toxic substance poses a serious risk to the health and safety of others if the property is not isolated;
 6. Explain why isolation of the property is the least restrictive means available to prevent a serious risk to the health and safety of others; and
 7. Explain whether the property subject to isolation can be decontaminated or whether the property must be destroyed.
- B. The petition must be personally served on the owner(s) or custodian(s) of the property.
- C. The court shall hold a hearing within 72 hours of the filing of the petition, exclusive of Saturdays, Sundays and legal holidays.
1. For good cause shown, or with consent of the affected owner(s) or custodian(s) of the property, the Public Health Officer may apply to continue the hearing date for up to 10 business days, which continuance the court may grant at its discretion giving due regard to the rights of the affected owner or custodian of the property, the protection of the public health, the severity of the public health threat and the availability of necessary witnesses and evidence.
 2. A hearing may be waived by the owner(s) or custodian(s) of the property.
- D. The court shall grant the petition if, by clear and convincing evidence, the court finds that isolation of property contaminated with a toxic substance is necessary to prevent a serious risk to the health and safety of others. An order authorizing isolation remains in effect until the toxic substance no longer poses a serious risk to the health and safety of

others.

E. The court order must:

1. Identify the property to be isolated;
2. Specify factual findings warranting isolation, including a description of the toxic substance believed to be contaminating the property;
3. Include any conditions necessary to ensure that isolation is carried out within the stated purposes and restrictions of this section; and
4. Describe the remedial actions necessary to neutralize or remove the contamination.

F. Nothing herein is intended to supplant application of the Environmental Health and Safety Code or abatement of drug contaminated housing. In the event of a conflict between the application of the Public Health Code and any other Code or Resolution of the Confederated Tribes, the Public Health Officer shall determine, in coordination with the Environmental Health Officer, the most appropriate process to use.

SECTION 7.02. CONVEYANCES: DETENTION; INSPECTION OR INVESTIGATION

If the Public Health Officer finds that there is an imminent risk of the introduction into the Umatilla Indian Reservation by means of any public or private conveyance of any dangerous communicable disease or toxic substance which presents a substantial threat to public health, the Public Health Officer may detain such conveyance for inspection or investigation.

SECTION 7.03. CONVEYANCES: SUBSTANTIAL THREAT; PUBLIC HEALTH OFFICER POWERS

A. If upon inspection pursuant to Section 7.02, there is discovered among the passengers or goods being transported by any public or private conveyance the existence of any communicable disease or toxic substance that presents a substantial threat to public health, the Public Health Officer may:

1. Issue an order for testing, medical examination or treatment.
2. Isolate or quarantine such persons or goods in accordance with this Code.
3. Require the passengers and persons conveying materials to follow the Public Health Officer's rules for the control of the specific communicable disease or prevention of harm to the public health from the toxic substance.
4. Offer free immunization in those diseases to which such prophylactic treatment is applicable to all persons exposed in any conveyance.

B. Should any question arise as to the existence of any emergency, the Public Health Officer shall have final jurisdiction.

CHAPTER 8. MISCELLANEOUS

SECTION 8.01. LAW ENFORCEMENT REPORTING

If, during the course of a criminal investigation, law enforcement acquires information that the person who is charged with a crime or sentenced for a crime has a reportable disease, the Umatilla Tribal Police Department shall disclose that information to the Public Health Officer who shall confirm the diagnosis if the matter is not already being handled by the State of Oregon

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and notify any police officer, corrections officer or emergency medical services provider who had significant exposure to the person.

SECTION 8.02. WILLFUL SPREAD; CRIME

No person shall willfully cause the spread of any communicable disease within the Umatilla Indian Reservation. Such action shall be punishable as a felony as defined in Part VI of the Criminal Code. Such action shall be punishable by a fine of up to \$15,000 for any person for whom the Confederated Tribes does not have criminal jurisdiction.

SECTION 8.03. TUBERCULOSIS MANDATORY REPORTING; PUBLIC HEALTH OFFICER AUTHORITY.

A. Any representative of a religious denomination, householder, nurse, parent, guardian or other person attending to, or in any way having knowledge of the existence of a case of pulmonary tuberculosis, including the affected person, must immediately report the fact to the Public Health Officer. The names and addresses of all persons reported as having pulmonary tuberculosis shall be recorded with the Public Health Officer.

B. The Public Health Officer shall, upon receiving a report that any person has tuberculosis, make such investigation of the case as is necessary to determine whether or not the person reported has communicable tuberculosis. Upon finding that any person has communicable tuberculosis, the Public Health Authority shall exercise such control over the affected person and contacts with other persons as may be necessary for the protection of the public health. In exercising such control over any person who has communicable tuberculosis the Public Health Officer may make orders governing such person's conduct as are necessary to prevent the spread of the disease.

SECTION 8.04. NOTICE OF EXPOSURE; DUTY TO INFORM WORKER AND EMPLOYER

When the Public Health Officer learns of a case or suspected case of an infectious disease which may have exposed a worker on the Umatilla Indian Reservation to risk of infection they shall make every reasonable effort to notify the worker and employer of the exposure as soon as medically appropriate given the urgency of the disease or suspected disease. Notification shall include recommendations to the worker and employer that are medically appropriate.

SECTION 8.05. NOTICE OF PUBLIC HEALTH EMERGENCY

A. Upon the occurrence of a public health emergency the Executive Director may declare a state of public health emergency to protect the public health and shall seek formal written approval for such a declaration from the Board of Trustees as soon as practicable unless the Board of Trustees has already issued a declaration directly.

B. A proclamation of a public health emergency must specify:

1. The nature of the public health emergency;
2. The geographic area subject to the proclamation;
3. The conditions that have brought about the public health emergency; and

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4. The duration of the public health emergency, if the duration is less than 14 days.
- C. During a public health emergency the Confederated Tribes, through the Board of Trustees or their designee, may:
1. Close, order the evacuation of or the decontamination of any facility there is reasonable cause to believe may endanger the public health.
 2. Regulate or restrict by any means necessary the use, sale or distribution of food, fuel, medical supplies, and medicines or other goods and services.
 3. Prescribe modes of transportation, routes and destinations required for the evacuation of individuals or the provision of emergency services.
 4. Control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public health emergency if such actions are reasonable and necessary to respond to the public health emergency.
 5. Take any other action that may be necessary for the management of resources, or to protect the public during a public health emergency.
- D. A proclamation of a public health emergency expires when terminated by a declaration of the Board of Trustees or their designee.
- E. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation from Confederated Tribes of the Umatilla Indian Reservation if it is required under the takings clause of the Indian Civil Rights Act.

SECTION 8.06. TEMPORARY DETENTION OF PERSONS BY PUBLIC HEALTH OFFICER

If the Public Health Officer reasonably believes a person may have been exposed to a communicable disease that is a reportable disease or condition or a condition that is the basis for a tribal or state of public health emergency declared by the Executive Director, Board of Trustees of their designee, or Governor of the State of Oregon, the person may be detained with the assistance of the Umatilla Tribal Police for as long as reasonably necessary for the director or administrator to convey information to the person regarding the communicable disease or condition and to obtain contact information, including but not limited to the person's residence and employment addresses, date of birth, telephone numbers and any other contact information required by the Public Health Officer. If the detained person refuses to provide the information requested, the Public Health Officer may impose a public health measure appropriate to the public health threat presented.

APPENDIX A

LEGISLATIVE HISTORY

***STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 22-011 (January 31, 2022)***

PUBLIC HEALTH CODE

LEGISLATIVE HISTORY

The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation enacted the Public Health Code in Resolution 22-011 (January 31, 2022).