

SUMMARY—Makes various changes concerning public health laws. (BDR 40-677)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State: Yes.

AN ACT relating to public health; establishing procedures for the isolation or quarantine of a person with a communicable or infectious disease in a medical facility; authorizing public health officials to quarantine and isolate a group of persons; requiring the State Board of Health to develop a syndromic reporting and active surveillance system for monitoring public health; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. *As used in sections 2 to 26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Communicable disease” has the meaning ascribed to it in NRS 441A.040.*

Sec. 4. *“Health authority” means:*

- 1. The officers and agents of the Health Division;*
- 2. The officers and agents of the local boards of health; or*
- 3. The district health officer in a district, or his designee, or, if none, the State Health Officer.*

Sec. 5. *“Medical facility” has the meaning ascribed to it in NRS 449.0151.*

Sec. 6. *If the Health Division, a local board of health or a health authority isolates or quarantines a person or group of persons with a communicable or infectious disease in a medical facility, the Division, board or authority must isolate or quarantine the person or group of persons in the manner set forth in sections 2 to 26, inclusive, of this act.*

Sec. 7. 1. *If a person with a communicable or infectious disease is voluntarily isolated or quarantined in a public or private medical facility, the facility shall not change the status of the person to an emergency isolation or quarantine unless the facility receives, before the change in status is made:*

- (a) An application for an emergency isolation or quarantine pursuant to section 9 of this act;*
- (b) The certificate of a health authority or a physician, licensed physician assistant or registered nurse pursuant to*

section 10 of this act; and

(c) An order for isolation or quarantine issued by the Health Division, a local board of health or a health authority.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made, unless within that period a written petition is filed with the clerk of the district court pursuant to section 13 of this act.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 8. 1. *Any person alleged to have a communicable or infectious disease may, upon application pursuant to section 9 of this act and subject to the provisions of subsection 2, be detained in a public or private medical facility under an emergency isolation or quarantine for testing, examination, observation and treatment.*

2. Except as otherwise provided in subsection 3, a person admitted to a medical facility under subsection 1 must be released within 72 hours, including weekends and holidays, from the time of his admission unless within that period a written petition for an involuntary court-ordered isolation or quarantine is filed with the clerk of the district court pursuant to section 13 of this act, including, without limitation, the documents required pursuant to section 14 of this act, or the status of the person is changed to a voluntary isolation or quarantine.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 9. 1. *Except as otherwise provided in subsection 2, an application for the emergency isolation or quarantine of a person alleged to have a communicable or infectious disease for testing, examination, observation and treatment may only be made by a health authority or a physician, licensed physician assistant or registered nurse. Such a person may:*

(a) Without a warrant:

(1) Take a person alleged to have a communicable or infectious disease into custody to apply for the emergency isolation or quarantine of the person for testing, examination, observation and treatment; and

(2) Transport the person alleged to have a communicable or infectious disease to a public or private medical facility for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the transportation services authority; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

only if the person has, based upon his personal observation of the person alleged to have a communicable or infectious disease, probable cause to believe that the person has a contagious or infectious disease, and because of that disease is likely to be an immediate threat to the health of the public.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to have a communicable or infectious disease into custody to allow the applicant for the order to apply for the emergency isolation or quarantine of the person alleged to have a communicable or infectious disease for testing, examination, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to have a communicable or infectious disease to a public or private medical facility for that purpose. The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person alleged to have a communicable or infectious disease has a contagious or infectious disease, and because of that disease is likely to be an immediate threat to the health of the public.

2. An application for the emergency isolation or quarantine of a person alleged to have a communicable or infectious disease for testing, examination, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to have a communicable or infectious disease may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency isolation or quarantine of a person alleged to have a communicable or infectious disease for testing, examination, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Each person admitted to a public or private medical facility under an emergency isolation or quarantine must be evaluated at the time of admission by a health authority or a physician, licensed physician assistant or registered nurse.

Sec. 10. *The administrative officer of a public or private medical facility shall not accept an application for an emergency isolation or quarantine under section 9 of this act unless that application is accompanied by a certificate of a health authority or a physician, licensed physician assistant or registered nurse stating that he has examined the*

person alleged to have a communicable or infectious disease and that he has concluded that the person has a communicable or infectious disease, and because of that disease is likely to be an immediate threat to the health of the public. The certificate required by this section may be obtained from a health authority, physician, licensed physician assistant or registered nurse who is employed by the public or private medical facility to which the application is made.

Sec. 11. *No application or certificate authorized under section 9 or 10 of this act may be considered if made by a health authority, physician, licensed physician assistant or registered nurse who is related by blood or marriage to the person alleged to have a communicable or infectious disease, or who is financially interested in the facility in which the person alleged to have a communicable or infectious disease is to be detained. No application or certificate of any examining person authorized under section 10 of this act may be considered unless it is based on personal observation and examination of the person alleged to have a communicable or infectious disease made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate shall set forth in detail the facts and reasons on which the examining person based his opinions and conclusions.*

Sec. 12. *Within 24 hours of a person's admission under emergency isolation or quarantine, the administrative officer of a public or private medical facility shall give notice of such admission by certified mail to the spouse or legal guardian of that person.*

Sec. 13. 1. *A proceeding for an involuntary court-ordered isolation or quarantine of any person in the State of Nevada may be commenced by the filing of a petition with the clerk of the district court of the county where the person who is to be isolated or quarantined resides. The petition may be filed by the spouse, parent, adult child or legal guardian of the person to be isolated or quarantined, by a health authority, by a physician, licensed physician assistant or registered nurse, or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:*

(a) By a certificate of a health authority or a physician, licensed physician assistant or registered nurse stating that he has examined the person alleged to have a communicable or infectious disease and has concluded that the person has a communicable or infectious disease, and because of that disease is likely to be an immediate threat to the health of the public; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon his personal observation of the person alleged to have a communicable or infectious disease, probable cause to believe that the person has a communicable or infectious disease and, because of that disease is likely to be an immediate threat to the health of the public; and

(2) The person alleged to have a communicable or infectious disease has refused to submit to examination or treatment by a health authority or a physician, licensed physician assistant or registered nurse.

2. If the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 14. *In addition to the requirements of section 13 of this act, a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered isolation or quarantine of a person pursuant to section 7 or 8 of this act must include a certified copy of:*

1. The application for the emergency isolation or quarantine of the person made pursuant to section 9 of this act; and

2. A petition executed by a health authority or a physician, licensed physician assistant or registered nurse, including, without limitation, a sworn statement that:

(a) He has examined the person alleged to have a communicable or infectious disease;

(b) In his opinion, there is a reasonable degree of certainty that the person alleged to have a communicable or infectious disease suffers from such a disease;

(c) Based on his personal observation of the person alleged to have a communicable or infectious disease and other facts set forth in the petition, the person likely poses an immediate threat to the health of the public; and

(d) In his opinion, involuntary isolation or quarantine of the person alleged to have a communicable or infectious disease to a medical facility is necessary to prevent the person from immediately threatening the health of the public.

Sec. 15. 1. *Immediately after he receives any petition filed pursuant to section 13 or 14 of this act, the clerk of the district court shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. The date must be within 5 judicial days after the date on which the petition is received by the clerk.*

2. The court shall give notice of the petition and of the time, date and place of any proceedings thereon to the subject of the petition, his attorney, if known, the petitioner and the administrative office of any public or private medical facility in which the subject of the petition is detained.

3. The provisions of this section do not preclude a medical facility from discharging a person before the time set pursuant to this section for the hearing concerning the person, if appropriate.

Sec. 16. *The court in its discretion may require any petitioner under section 13 of this act, any health authority or any officer authorized to make arrests in the State of Nevada, to file an undertaking with surety to be approved by the court in the amount the court deems proper, conditioned to save harmless the person alleged to have a communicable*

or infectious disease by reason of costs incurred, including attorney fees, if any, and damages suffered by the person as a result of such action.

Sec. 17. 1. *After the filing of a petition to commence proceedings for the involuntary court-ordered isolation or quarantine of a person pursuant to section 13 or 14 of this act, the court shall promptly cause two or more physicians or licensed physician assistants, one of whom must always be a physician, to examine the person alleged to have a communicable or infectious disease.*

2. To conduct the examination of a person who is not being detained at a medical facility under emergency isolation or quarantine pursuant to an application made pursuant to section 9 of this act, the court may order a peace officer to take the person into protective custody and transport him to a medical facility where he may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to section 9 of this act, he may be allowed to remain in his home or other place of residence pending an ordered examination or examinations and to return to his home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his relations or friends to the place of examination.

4. Except as otherwise provided in this subsection, each physician and licensed physician assistant who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to section 15 of this act, submit to the court in writing a summary of his findings and evaluation regarding the person alleged to have a communicable or infectious disease. If the person alleged to have a communicable or infectious disease is admitted under an emergency isolation or quarantine pursuant to an application made pursuant to section 9 of this act, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of section 15 of this act.

Sec. 18. 1. *The Health Division shall establish such evaluation teams as are necessary to aid the courts under sections 17 and 24 of this act.*

2. Each team must be composed of two physicians, or one physician and one physician assistant.

3. Fees for the evaluations must be established and collected as set forth in section 19 of this act.

Sec. 19. 1. *In counties where the examining personnel required pursuant to section 17 of this act are not available, proceedings for involuntary court-ordered isolation or quarantine shall be conducted in the nearest county having such examining personnel available in order that there be minimum delay.*

2. The entire expense of proceedings for involuntary court-ordered isolation or quarantine shall be paid by the

county in which the application is filed, except that where the person to be admitted last resided in another county of the state the expense shall be charged to and payable by such county of residence.

Sec. 20. 1. *The person alleged to have a communicable or infectious disease or any relative or friend on his behalf is entitled to retain counsel to represent him in any proceeding before the district court relating to involuntary court-ordered isolation or quarantine, and if he fails or refuses to obtain counsel, the court shall advise him and his guardian or next of kin, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his deputy.*

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to have a communicable or infectious disease last resided.

3. The court shall, at the request of counsel representing the person alleged to have a communicable or infectious disease in proceedings before the court relating to involuntary court-ordered isolation or quarantine, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his case.

4. Each district attorney or his deputy shall appear and represent the state in all involuntary court-ordered isolation or quarantine proceedings in his county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered isolation or quarantine of a person to a medical facility in proceedings held pursuant to section 13 or 14 of this act.

Sec. 21. *In proceedings for involuntary court-ordered isolation or quarantine, the court shall hear and consider all relevant testimony, including, but not limited to, the testimony of examining personnel who participated in the evaluation of the person alleged to have a communicable or infectious disease and the certificates of a health authority or a physician, licensed physician assistant or registered nurse accompanying the petition. The court may consider testimony relating to any past actions of the person alleged to have a communicable or infectious disease if such testimony is probative of the question of whether the person presently has a communicable or infectious disease and is likely to present an immediate threat to the health of the public.*

Sec. 22. *In proceedings for an involuntary court-ordered isolation or quarantine, the person with respect to whom the proceedings are held has the right to be present by live telephonic conferencing or videoconferencing and may, at the discretion of the court, testify. A person who is alleged to have a communicable or infectious disease does not have the right to be physically present during such proceedings.*

Sec. 23. *Witnesses subpoenaed under the provisions of sections 2 to 26, inclusive, of this act shall be paid the same fees and mileage as are paid to witnesses in the courts of the State of Nevada.*

Sec. 24. 1. *If the district court finds, after proceedings for the involuntary court-ordered isolation or quarantine of a person to a public or private medical facility:*

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a communicable or infectious disease or is likely to be an immediate threat to the health of the public, the court shall enter its finding to that effect and the person must not be involuntarily detained in such a facility.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a communicable or infectious disease and, because of that disease is likely to be an immediate threat to the health of the public, the court may order the involuntary isolation or quarantine of the person for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary isolation or quarantine, the person is unconditionally released from the medical facility.

2. An involuntary isolation or quarantine pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private medical facility or the Health Division, a local board of health or a health authority. At the end of the court-ordered period of isolation or quarantine, the medical facility may petition to renew the detention of the person for additional periods not to exceed 6 months each. For each renewal, the petition must set forth to the court specific reasons why further isolation or quarantine is appropriate and that the person likely poses an ongoing immediate threat to the health of the public.

3. Before issuing an order for involuntary isolation or quarantine or a renewal thereof, the court shall explore other alternative courses of isolation, quarantine and treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric public health, which the court believes may be in the best interests of the person.

Sec. 25. *The order for involuntary court isolation or quarantine of any person to a medical facility, public or private, shall be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.*

Sec. 26. *When any involuntary court isolation or quarantine is ordered under the provisions of sections 2 to 26, inclusive, of this act, the involuntarily isolated or quarantined person, together with the court orders and certificates of the health authorities, physicians, licensed physician assistants, registered nurses or the evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:*

1. Transport the person; or

2. Arrange for the person to be transported by:

(a) A system for the nonemergency medical transportation of persons whose operation is authorized by the transportation services authority; or

(b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS, to the appropriate public or private medical facility.

Sec. 27. NRS 439.360 is hereby amended to read as follows:

439.360 The county board of health may:

1. Abate nuisances in accordance with law.

2. Establish and maintain an isolation hospital or quarantine station when necessary~~†~~

for the isolation or quarantine of a person or a group of persons.

3. Restrain, quarantine and disinfect any person *or group of persons* sick with or exposed to any contagious or infectious disease that is dangerous to the public health.

4. Appoint quarantine officers when necessary to enforce a quarantine, shall provide whatever medicines, disinfectants and provisions which may be required, and shall arrange for the payment of all debts or charges so incurred from any funds available, but each patient shall, if he is able, pay for his food, medicine, clothes and medical attendance.

5. Subject to the prior review and approval of the board of county commissioners and except as otherwise provided in NRS 576.128, adopt a schedule of reasonable fees to be collected for issuing or renewing any health permit or license required to be obtained from the board pursuant to a law of this state or an ordinance adopted by any political subdivision of this state. Such fees must be for the sole purpose of defraying the costs and expenses of the procedures for issuing licenses and permits, and investigations related thereto, and not for the purposes of general revenue.

Sec. 28. NRS 439.470 is hereby amended to read as follows:

439.470 The city board of health may:

1. Abate nuisances in accordance with law.

2. Establish a temporary isolation hospital or quarantine station when emergency demands~~†~~ *for the isolation or quarantine of a person or group of persons.*

3. Restrain, quarantine and disinfect any person *or group of persons* sick with or exposed to any contagious or infectious disease which is dangerous to the public health.

4. Appoint quarantine officers when necessary to enforce a quarantine, and shall provide whatever medicines, disinfectants and provisions which may be required. The city council shall pay all debts or charges so incurred; but each patient shall, if able, pay for his food, medicine, clothes and medical attendance.

5. Subject to the prior review and approval of the governing body of the city and except as otherwise provided in NRS 576.128, adopt a schedule of reasonable fees to be collected for issuing or renewing any health permit or license required to be obtained from such board pursuant to state law or an ordinance adopted by any political subdivision. Such fees must be for the sole purpose of defraying the costs and expenses of the procedures for issuing licenses and permits, and investigations related thereto, and not for the purposes of general revenue.

Sec. 29. Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall develop a system which provides for syndromic reporting and active surveillance to monitor public health in this state during major events or when determined appropriate and necessary by a health authority.

2. The Board shall adopt regulations concerning the system it develops pursuant to this section, including, without limitation:

(a) The manner in which and situations during which the system actively gathers information;

(b) The persons who are required to report information to the system; and

(c) The procedures for reporting required information to the system.

Sec. 30. NRS 441A.120 is hereby amended to read as follows:

441A.120 The board shall adopt regulations governing the control of communicable diseases in this state, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

1. The diseases which are known to be communicable.

2. The communicable diseases which are known to be sexually transmitted.

3. The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.

4. For each communicable disease, the procedures for testing, treating, isolating and quarantining a person *or group of persons* who ~~has or is~~ *have or are* suspected of having the disease.

Sec. 31. NRS 441A.160 is hereby amended to read as follows:

441A.160 1. A health authority who knows, suspects or is informed of the existence within his jurisdiction of any communicable disease shall immediately investigate the matter and all circumstances connected with it, and shall take such measures for the prevention, suppression and control of the disease as are required by the regulations of the board

or a local board of health.

2. A health authority may:

(a) Enter private property at reasonable hours to investigate any case or suspected case of a communicable disease.

(b) Order any person whom he reasonably suspects has a communicable disease in an infectious state to submit to any medical examination or test which he believes is necessary to verify the presence of the disease. The order must be in writing and specify the name of the person to be examined and the time and place of the examination and testing, and may include such terms and conditions as the health authority believes are necessary to protect the public health.

(c) Except as otherwise provided in NRS 441A.210, issue an order requiring the isolation, quarantine or treatment of any person *or group of persons* if he believes that such action is necessary to protect the public health. The order must be in writing and specify the person *or group of persons* to be isolated, the time during which the order is effective, the place of isolation or quarantine and other terms and conditions which the health authority believes are necessary to protect the public health, except that no isolation or quarantine may take place if the health authority determines that such action may endanger the life of ~~the person~~ *a person who is isolated or quarantined*.

(d) Each order issued pursuant to this section must be served upon each person named in the order by delivering a copy to him.

3. If a health authority issues an order to isolate or quarantine a person with a communicable or infectious disease in a medical facility, the health authority must isolate or quarantine the person in the manner set forth in sections 2 to 26, inclusive, of this act.

Sec. 32. This act becomes effective on July 1, 2003.