



MEMORANDUM

Date: February 16, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshar 
Acting County Administrator

Re: **Additional Information - Addendum Item 5 Pima County Health Department Role in Schools**

Supervisor Christy raised questions about the authority of the Pima County Health Department to issue orders of quarantine related to the pandemic. This memorandum briefly outlines the basis for those orders and describes the process by which they are issued.

Background

On March 11, 2020, pursuant to his authority under Arizona Revised Statutes (A.R.S.) § 36-787, Governor Ducey declared a State of Emergency in response to the emerging COVID-19 pandemic. Under that declaration, which remains in effect today, and in its furtherance, the County as the local health authority is empowered to enforce isolation or quarantine to protect the public's health (A.R.S. § 36-788) and in furtherance of the State's emergency declaration. Moreover, and not specific to the pandemic, the County Health Department is empowered by statute (A.R.S. § 36-624) and can adopt quarantine and sanitary measures consistent with State Health Department rules to prevent the spread of the disease.

The process to issue such public health orders is also prescribed in statute. The County Health Department can issue a written directive requiring a person or group of persons to isolate (an infected individual) or quarantine (a close contact) without first obtaining a written court order when a delay would pose an immediate and serious threat to the public health. (A.R.S. § 36-789). Such orders are required by law to identify the person (or persons) subject to the isolation or quarantine, including the date and time of the isolation or quarantine period, and it must be served to the impacted person. Once issued, law enforcement may assist with enforcement of the written directive pursuant to Arizona Administrative Code (A.A.C.) R9-6-303(E). The County Health Department would be required to file a petition and appear before Pima County Superior Court judge in order to extend the order beyond the ten (10) days.

Individuals (or the parents of minors) subject to such an order may appeal to the Superior Court at any time (A.R.S. § 36-789(J)). The Court would decide within 48 hours whether sufficient cause exists and if so schedule a hearing in 24 hours. The Court will appoint a lawyer at the State's expense if the parent or guardian does not have legal counsel. The order however remains in effect until and unless it is vacated by the Court.

Current Practice

The Health Department has developed a process for issuing quarantine orders that is detailed in the Attachment. Since the beginning of the pandemic, the Health Department has issued six (6) quarantine and no isolation orders; all of them during the current school year. During this time, schools have reported 20,756 confirmed COVID-19 cases and 64,524 close contacts. A quarantine order has been issued in less than 0.0001 percent of cases. Three (3) orders have involved students in the Vail School District, and one (1) student each from the Tanque Verde, Sunnyside and Tucson Unified School Districts. Three (3) orders have been served by Constables, one (1) by a commercial process server, one (1) by the County Attorney staff, and one (1) by school personnel.

In the *overwhelming* majority of cases, parents and guardians are compliant with the Health Departments' advice to isolate or quarantine a child. This advice is typically provided in written form that is delivered by school officials to the parents or guardians. This is followed up with telephone and electronic communications to answer questions and provide additional support to the family. These interactions are educational and very rarely escalate to any form of confrontation.

Conclusion

Quarantine orders are an extremely rare public health action that is only taken when cooperation from parents or guardians cannot be secured through educational and other supportive interactions.

JL/dym

Attachment

- c: Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer
Health and Community Services
Carmine DeBonis, Deputy County Administrator, Public Works
Terry Cullen, MD, MS, Public Health Director, Health Department
Jonathan Pinkney, Deputy County Attorney, Pima County Attorney's Office

Authority and process by which the Pima County Health Department (PCHD) issues quarantine orders to students enrolled in school districts in Pima County

1. What triggers this discussion

- a. Roles in COVID-19 response
 - i. Role of school for COVID-19 mitigation and activities:
 1. Identify close contacts within 24 hours
 2. Notify close contacts of identified exposure
 3. Report positive cases and close contacts to the health department
 4. Exclude identified close contacts from school for the duration of set quarantine time/period if identified student is not exempt from quarantine
 - a. Exemptions to quarantine include full vaccination or someone who tested positive for COVID-19 in the last 90 days.
 - ii. Role of parent/ guardian:
 5. Follow quarantine/isolation guidelines as outlined in the sanitary measure and/or school policy
 6. Review questions or concerns with school district or the PCHD regarding quarantine/isolation
- b. Notification to PCHD
 - i. School staff will notify PCHD when a school-associated COVID-19 case or close contact is refusing to follow public guidance and recommendations that include isolation and/or quarantine guidelines

2. Data needed for the evaluation by PCHD and School District:

- a. Date of last exposure (if a close contact & for the exposure under review)
- b. Symptom review (does the individual have symptoms consistent with COVID-19)
- c. Symptom onset date (if symptomatic)
- d. COVID-19 testing status (tested, not tested, positive, negative)
- e. COVID-19 test collection date (if tested)
- f. Vaccination status and vaccination dates
- g. History of COVID-19
- h. School district, school name, classroom, and grade level
- i. Information on individual under review (Name, Date of birth)
- j. Contact information for individual and legal guardians
- k. What information has been shared and reviewed with the impacted person (COVID-19 case or close contact refusing isolation or quarantine) regarding COVID-19 isolation or quarantine guidance and recommendations
- l. National, state, county, local

3. Process used when data indicates potential for a quarantine order

- a. Input into the process:
 - i. K-12 Schools Team: Schools Program Manager, Program Manager for Health Justice and Intersectional Populations
 - ii. Epidemiology Team: Epidemiology Program Manager, Epidemiology Intelligence Unity Program Manager
 - iii. PCHD Leadership: Deputy Director, Public Health Director
 - iv. School: Nurse/Health Office representative, Principal, Superintendent
- b. Discussion

- i. Between PCHD representative and the student's parent/legal guardian:
 1. Inquire about the parent/guardian's understanding of the situation
 2. Verify that the family received notification and guidance pertaining to their child's positive case or exposure, and when it was received
 3. Confirm that the family understands the current guidance and offer clarification if needed.
 4. Confirm if the family is willing/unwilling to follow recommendations and guidance related to quarantine/isolation
- ii. Between PCHD representative and the student's school:
 1. Verify if the family received notification and current guidance pertaining to their child's positive case or exposure, including method of documentation and when it was received
 2. Identify any differences between school's policies, and the guidance issued by PCHD
 3. Assess if school is equipped to provide safe accommodations for student
 4. Confirm if the school has an SRO onsite to assist
 5. Collect information outlining the school's current policy and determine if they align with the sanitary measure
 6. Inquire about what support is the school requesting from PCHD
- iii. Internal discussion among PCHD staff and PCAO:
 1. Confirm that case information obtained from school and parent/guardian aligns with PCHD line list data
 2. Assess current mitigation measures within the school through discussion with school and school district
 3. Explore risks associated with the student's violation of guidance and recommendations
 4. Identify alternative solutions before moving to a quarantine order, including possible isolation/quarantine areas within the school setting.
- c. Recommendations
 - i. The PCHD epidemiology team reviews all available information with the Schools Team Program Managers and provides recommendations for further action
 - ii. Recommendations are reviewed with Deputy Director and Health Department Director
 - i. A collaborative decision is made between PCHD and school personnel to determine agreed upon recommendations and further courses of action.
- d. Sharing of recommendations – recommendations will be communicated to:
 - i. School contact (nurse/principal/superintendent)
 - ii. Parent/guardian
- e. Legal Process of issuing – When the Pima County Health Department determines that a written directive to isolate or quarantine is necessary for a student at a school:
 - i. PCHD provides the student's contact and pertinent epidemiological information to the Pima County Attorney's Office ("PCAO").
 - ii. PCAO drafts the written directive to isolate or quarantine ("Order"), and the Health Department reviews and signs the Order.

- iii. Upon receiving the signed Order from the Health Department, Pima County Attorney's Office will arrange for service of the Order on the student and the student's parents.
 - f. Serving – A written directive to isolate or quarantine must be provided to the person or persons subject to the action. In the past, the Orders have been served on the student and the student's parents by a private process server, school resource officer, a police officer, or the Constables' Office.
 - i. When requesting service of the written directive, PCAO will contact the server and provide them with instructions on who and where to serve the paperwork.
 - ii. The server will proceed to serve the documents, fill out a declaration of service, and provide the declaration of service to the Health Department and PCAO.
 - iii. Currently, the Constables' Office is the primary server of these quarantine orders.
 - iv. Pursuant to an arrangement between PCAO and the Constables' Office, the Constables' Office will complete service of the Order within 48 hours of receiving the request from PCAO.
 - v. PCAO will email the signed Order, the student's contact information for service, template instructions for serving the Order on the minor child/student and the parents, the confidential memo between PCAO and the Constables' Office regarding the arrangement of service, and a blank declaration of service to be filled out upon service of the Order.
 - vi. To date, six quarantine orders have been issued and served to students and their parents; five of which were served in 2021 and one recently in 2022. Zero isolation orders have been issued.
 - g. Follow up
 - i. Once the Order has been served, the server will notify the Health Department and/or PCAO to let them know and provide a copy of the declaration of service.
 - ii. The Health Department will follow up with school after receiving confirmation of a served order.
 - iii. If necessary, law enforcement may need to assist with any noncompliance related to the issued Order.
 - iv. Within ten days after issuing the Order, if the Health Department seeks to acquire a continued isolation or quarantine period, it will inform PCAO who will then file a petition with the Pima County Superior Court.
 - v. Parent/legal guardian may choose to contest the Order by filing an application in the Pima County Superior Court. The court must decide within forty-eight hours whether sufficient cause exists to schedule a hearing on whether the student should be released from quarantine, and if so schedule a hearing within the following twenty-four hours. The Order remains in effect unless or until it is vacated by the court at the conclusion of the hearing.
 - vi. The court will appoint a lawyer at state expense to represent a parent/guardian who is not otherwise represented by counsel.