

H1N1 Swine Flu Pandemic: Iowa Contemplates “Forced Confinement” in a “Quarantine Facility”

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In-depth Report: [THE H1N1 SWINE FLU PANDEMIC](#)

Iowa public health officials have acknowledged the existence of a blank template entitled FACILITY QUARANTINE ORDER in the case of a Novel Influenza A H1N1 pandemic. The official press release states, however, that there is no draft or text of a “Quarantine Order” by the Iowa Department of Public Health.

Reported by the Iowa Independent:

“A quarantine template created by the Iowa Department of Public Health and accessible through the [Centers for Disease Control Web site](#) should not be of great concern, according to a press release from health department officials. ‘IDPH wants to make it clear that Iowa has not issued any isolation and quarantine orders for novel influenza A (H1N1), and has no plans to issue any this fall,’ officials wrote in the press release. See [Health officials: Iowa quarantine document not cause for concern](#), Iowa Independent, Sept 1, 2009

The IDPH suggests in this regard that the drafting of public health templates is a routine undertaking, while also confirming that “in preparation for public health emergencies,” ...“isolation and quarantine orders are only very rarely used in very specific situations.” (emphasis added).

The last statement of the IDPH is notoriously ambiguous: If indeed isolation and quarantine orders are rarely used, why then was a template prepared which explicitly contemplates an ORDER pertaining to a QUARANTINE FACILITY? Moreover, the template was issued on May 1st, at the very outset of the H1N1 swine flu crisis in Mexico, barely two days after the WHO declared a level 5 pandemic advisory on April 29th.

Are we playing on words?

The template already contains the essential features of a formal QUARANTINE ORDER, which suggests that quarantine procedures are contemplated within the Iowa Department of Public Health. The result of these procedures have led to the formulation of the blank template.

The issue, therefore, is not whether a quarantine order has been activated. The issue is

- 1) the State of Iowa has contemplated a policy of “forced confinement”,
- 2) at some future date, in the next few months, the blank template entitled FACILITY

QUARANTINE ORDER could be activated with a view to actually implementing the quarantine procedures.

Also of significance is the fact that this template entitled FACILITY QUARANTINE ORDER has been endorsed by the Atlanta based Center for Disease Control (CDC), which has published the document on its website. The CDC is the main federal agency responsible for H1N1 pandemic preparedness in coordination with other governmental agencies including FEMA, Homeland Security, State and municipal governments, as well as in liaison with the WHO.

There are two quarantine documents on the CDC's website. The first refers to [HOME QUARANTINE ORDER](#), the second to [FACILITY QUARANTINE ORDER](#). (pdf)

[Click to access the CDC page](#), which identifies both templates as CDC reference documents. Media reports pointed to "rumors swirling after a quarantine form was found by someone on the internet..." (See report on [kimt.com, September 1, 2009](#))

We are not dealing with rumors. The FACILITY QUARANTINE ORDER document posted on the website of the CDC, a federal government agency, envisages quite explicitly "forced confinement" in the case of the H1N1 swine flu:

"The Department has determined that it is necessary to quarantine your movement to a specific facility to prevent further spread of this disease. The Department has determined that quarantine in your home and other less restrictive alternatives are not acceptable because [insert the reason home quarantine is not acceptable, the person violated a previously issued home quarantine order, the person does not have an appropriate home setting conducive to home quarantine, etc.] The Department is therefore ordering you to comply with the following provisions during the entire period of quarantine:

1. Terms of confinement. You are ordered to remain at the quarantine facility, _____ [insert name and address of facility], from _____ to _____ [insert dates of quarantine].

....

4. **Legal authority.** This order is issued pursuant to the legal authority contained at Iowa Code chapters 135, 139A and 641 Iowa Administrative Code chapter 1, a copy of which is labeled Attachment B and is attached to this order for your review. The Department shall comply with the principles for quarantine contained in subrule 1.9(3) of this attachment when issuing and implementing this order.

5. **Ensuring compliance.** In order to ensure that you strictly comply with this Quarantine Order the Department or persons authorized by the Department may regularly inspect the quarantine facility.

6. **Violations of order.** If you fail to comply with this Quarantine Order you may be ordered to be quarantined in a more restrictive facility. In addition, failure to comply with this order is a simple misdemeanor for which you may be arrested, fined, and imprisoned."

This is an official document of the Iowa State government, which has also been endorsed by the Centre for Disease Control (CDC). If it were a preliminary or internal draft, it would not have been published by the CDC. The question is whether similar quarantine procedures are being replicated in other states across America.

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The full text of the controversial Iowa Template is indicated below: To access the pdf version of the Template on the CDC website, click [FACILITY QUARANTINE ORDER](#)

BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

DIRECTED TO: [insert full name and address of subject of order]

[insert case #]

FACILITY QUARANTINE ORDER

The Iowa Department of Public Health (Department) has determined that you have had contact with a person with Novel Influenza A H1N1. Novel Influenza A H1N1 is a disease which is spread from person to person and is associated with fever (greater than 100.0 F), cough, sore throat, rhinorrhea (runny nose), nasal congestion, body aches, headache, chills and fatigue. Novel Influenza A H1N1 presents a risk of serious harm to public health and if it spreads in the community severe public health consequences may result.

The Department has determined that it is necessary to quarantine your movement to a specific facility to prevent further spread of this disease. The Department has determined that quarantine in your home and other less restrictive alternatives are not acceptable because [insert the reason home quarantine is not acceptable, the person violated a previously issued home quarantine order, the person does not have an appropriate home setting conducive to home quarantine, etc.] The Department is therefore ordering you to comply with the following provisions during the entire period of quarantine:

1. Terms of confinement. You are ordered to remain at the quarantine facility, _____ [insert name and address of facility], from _____ to _____ [insert dates of quarantine].
2. Requirements during confinement. During the period of quarantine:
 - a. You must not leave the quarantine facility at any time unless you have received prior written authorization from the Department to do so.
 - b. You must not come into contact with anyone except the following persons:
 - (i) other persons who are also under similar quarantine order at the quarantine facility;
 - (ii) authorized healthcare providers and other staff at the quarantine facility;
 - (iii) authorized Department staff or other persons acting on behalf of the Department; and
 - (iv) such other persons as are authorized by the Department.
 - c. Your daily needs, including food, shelter, and medical care, will be provided for you during the period of quarantine at the quarantine facility. You should bring clothing, toiletries, and other personal items with you to the quarantine facility. You will have limited access to a telephone at the quarantine facility. You may bring your cell phone with you should you desire to have greater

access to a means of communication.

d. You should inform your employer that you are under quarantine order and are not authorized to physically come to the work place, although you may work from the facility via electronic or other means if appropriate. You should be aware that Iowa law prohibits an employer from firing, demoting, or otherwise discriminating against an employee due to the compliance of an employee with a quarantine order issued by the Department. (Iowa Code Section 139A.13A)

3. Information about Novel Influenza A H1N1. You should review the information contained at Attachment A for information about Novel Influenza A H1N1. You should refer to information provided at the quarantine facility to address specific concerns and questions you have about Novel Influenza A H1N1. In order to find out more information about Novel Influenza A H1N1 and its symptoms and spread, you may also access the Department's web-page at www.idph.state.ia.us. If you do not have access to the internet from the quarantine facility, you may contact the Department at 1-800-362-2736.

4. Legal authority. This order is issued pursuant to the legal authority contained at Iowa Code chapters 135, 139A and 641 Iowa Administrative Code chapter 1, a copy of which is labeled Attachment B and is attached to this order for your review. The Department shall comply with the principles for quarantine contained in subrule 1.9(3) of this attachment when issuing and implementing this order.

5. Ensuring compliance. In order to ensure that you strictly comply with this Quarantine Order the Department or persons authorized by the Department may regularly inspect the quarantine facility.

6. Violations of order. If you fail to comply with this Quarantine Order you may be ordered to be quarantined in a more restrictive facility. In addition, failure to comply with this order is a simple misdemeanor for which you may be arrested, fined, and imprisoned.

7. Your rights B appeal rights. While under quarantine you have the rights as described in subrule 1.9(8) of Attachment B. In addition, you have the right to appeal this order pursuant to subrule 1.9(7) of Attachment B.

(signed & dated)
DIRECTOR or MEDICAL DIRECTOR
IOWA DEPARTMENT OF PUBLIC HEALTH
Lucas State Office Building
Des Moines, IA 50319

Attachments to this Order:

Attachment A — Facts About Novel Influenza A H1N1

Attachment B — 641 Iowa Administrative Code chapter 1

To access the second document click [HOME QUARANTINE ORDER](#)

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