



Serving the Counties of
Crawford, Kalkaska, Lake, Manistee, Mason,
Mecosta, Missaukee, Newaygo, Oceana, and Wexford

Public Health Legal Preparedness
Emergency Powers, Authorities, and Duties
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I. PUBLIC HEALTH ROLES and RESPONSIBILITIES

Public health in Michigan is governed by the Public Health Code, PA 368 of 1978, which charges the state health department with the responsibility and authority to establish a system of local public health services in order to protect the health of the public.

District Health Department #10 (DHD#10) was established to serve as the Local Health Department (LHD) for the 10-county jurisdiction of Crawford, Kalkaska, Lake, Manistee, Mason, Mecosta, Missaukee, Newaygo, Oceana, and Wexford Counties.

Local governing entities are ultimately responsible for local public health administration in response to state and local laws, rules, and regulations. They provide funds; approve fees, budgets, and plans; and appoint health officers and a board of health.

II. LOCAL PUBLIC HEALTH LAWS

The Public Health Code grants broad powers to both the state and LHD to protect, promote and safeguard the public health, prolong life, and prevent and control the spread of disease. A quick reference list of applicable laws and citations is provided below. This list is a brief survey only, and is not to be considered exhaustive or as a limit to responsibilities required by law.

Public Health Code (P.A. 368 of 1978)

MCL § 333.1105 – Definition of Local Public Health Department

MCL § 333.1111 – Protection of the Health, Safety, and Welfare

Part 22 (MCL §§ 333.2201 et seq.) – State Department

Part 23 (MCL §§ 333.2301 et seq.) – Basic Health Services

Part 24 (MCL §§ 333.2401 et seq.) – Local Health Departments

Part 51 (MCL §§ 333.5101 et seq.) – Prevention and Control of Diseases and Disabilities

Part 52 (MCL §§ 333.5201 et seq.) – Hazardous Communicable Diseases

Part 53 (MCL §§ 333.5301 et seq.) – Expense of Care

MCL § 333.5923 – HIV Testing and Counseling Costs

MCL § 333.9131 – Family Planning

Part 92 (MCL §§ 333.9201 et seq.) – Immunization

Part 93 (MCL §§ 333.9301 et seq.) – Hearing and Vision

MCL § 333.11101 – Prohibited Donation or Sale of Blood Products

MCL § 333.12425 – Agricultural Labor Camps

Part 125 (MCL §§ 333.12501 et seq.) – Campgrounds, etc.

Part 127 (MCL §§ 333.12701 et seq.) – Water Supply and Sewer Systems

Part 138 (MCL §§ 333.13801 et seq.) – Medical Waste (Required to Investigate if Complaint Made and Transmit Report to MDCH – 13823 and 13825)

MCL § 333.17015 – Informed Consent

Appropriations (Current: P.A. 349 of 2004)

Sec. 218 – Basic Services
Sec. 904 – LPHO

Michigan Attorney General Opinions

OAG, 1987-1988, No 6415 – Legislative Authority to Determine Appropriations for Local Health Services
OAG, 1987-1988, No 6501 – Reimbursement of Local Department for Required and Allowable Services

Food Law of 2000 (P.A. 92 of 2000, as amended)

MCL §§ 289.1101 et seq., specifically: MCL § 289.1109 – Definition of Local Health Department
MCL § 289.3105 – Enforcement, Delegation to Local Health Department
Part 31- Water Resources Protection, specifically: MCL §§ 324.3103 and 324.3106
Part 22 - Groundwater Quality Rules (On-Site Wastewater Treatment)
Part 117 - Septage Waste Services, specifically: MCL §§ 324.11701 - 324.11720

Land Division Act (P.A. 288 of 1967, as amended)

MCL § 560.105(g) – Preliminary Plat Approvals
MCL § 560.109a – Parcels less than 1 acre
MCL § 560.118 – Health Department Approval

Condominium Act (P.A. 59 of 1978, as amended)

MCL § 559.171a – Approval of Condominiums not Served by Public Sewer and Water

Safe Drinking Water Act (P.A. 399 of 1976, as amended)

MCL § 325.1016 – Public Water Supplies (Agreements with Local Health Departments to Administer)

III. LOCAL PUBLIC HEALTH OFFICER AUTHORITY

The Local Public Health Officer has statutory authority and responsibility related to protecting the public's health, and has been granted broad powers in the event of a public health emergency due to an infectious disease outbreak or other health threat. DHD#10 has developed an all-hazards emergency response plan that includes guidelines for incident management, public and crisis communications, community containment/infection control, health protection, and issuance of emergency public health orders. (MCL 333.2428)

IV. PUBLIC HEALTH EMERGENCY DEFINED

A Model State Public Health Act has defined a public health emergency to include any occurrence or imminent threat of an illness or health condition that:

(1) is believed to be caused by (a) bioterrorism, (b) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin, or (c) a natural disaster, chemical attack or accidental release, or nuclear attack or accidental release; or

(2) poses a high probability of (a) a large number of deaths in the affected population, (b) a large number of serious or long-term illnesses 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 people in the affected population. (*The Model State Health Emergency Powers Act, Prepared for the Centers for Disease Control and Prevention, Dec 2001, The Centers for Law & the Public's Health: A Collaborative at Johns Hopkins and Georgetown Universities, <http://www.publichealthlaw.net/ModelLaws/MSEHPA.php>*)

V. PUBLIC HEALTH EMERGENCY ORDERS

Michigan law recognizes three types of emergency public health conditions, described below.

A. Imminent Danger Order (MCL 333.2251; 333.2451):

A condition or practice exists which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided.

The Local Health Officer:

- May include quarantine of individuals, groups, and facilities;
- May petition court to compel compliance;
- Must determine imminent danger exists;
- Must determine necessary action that will avoid, correct, or remove the danger;
- Must deliver order to “person” authorized or able to take corrective action;
- Must provide warning to affected individuals or, where applicable, post notice at site of danger.

B. Emergency Order to Control Epidemic (MCL 333.2253; 333.2453):

Control of an epidemic is necessary to protect the public health. Epidemic means any increase in the number of cases, above the number of expected cases, of any disease, infection, or other condition in a specific time period, area, or demographic segment of the population (*Mich. Admin. Code R 325.171, 2007*).

The Local Health Officer:

- May issue an order to a class of persons;
- May prohibit the gathering of people for any purpose;
- May close schools and, presumably, businesses;
- May establish procedures to be followed by persons during an epidemic to insure continuation of essential public health services and control spread of disease;

- May direct mass vaccination;
- May issue a **Warning Notice** (*MCL 333.2453; 333.5201-5205*) when an individual is, or is reasonably believed to be, a carrier of a specific infectious agent or serious communicable disease and has demonstrated inability or unwillingness to act in a manner that does not put others at risk of exposure.

Warning Notice Requirements (*MCL 333.2453; 333.5201-5205*):

- May be issued to an individual who is a health threat to others to inform of involuntary detention and treatment for a hazardous communicable disease;
- Must require individual to cooperate in preventing or controlling transmission of disease;
- Must inform individual that if he or she fails to comply, the health department will seek a court order;
- Must inform individual that he or she will have a right to a hearing before court issues order, except in a deemed emergency;
- Must be in writing, except that in urgent circumstances may be an oral statement, followed by a written notice within 3 days;
- Must be specific and individual, not to a class of persons;
- May require individual to participate in education, counseling, or treatment programs, and to undergo medical tests to verify carrier status.

C. Order to Abate a Nuisance (*MCL 333.2455*):

There exists an unreasonable interference with a right common to the general public involving conduct that significantly interferes with the public's health, safety, peace, comfort, or convenience.

The Local Health Officer:

- May issue an order against the owner of a property;
- May seek a warrant from the court for assistance from law enforcement to remove a nuisance.

VI. RELATED PUBLIC HEALTH AUTHORITIES

Three additional types of public health authorities may also apply to a public health emergency.

A. Authority to Petition a Court (*MCL 333.2251; 333.2451; 333.2253; 333.2453; 333.2455; 333.2241-2247; 333.2446; 333.2265; 333.2465; 333.5205-5207*):

- To compel compliance with **Imminent Danger Order**;
- To compel compliance with **Emergency Order to Control Epidemic**;
- To compel compliance with **Warning Notice**;

- To obtain a warrant to inspect or investigate and to seize property with **Order to Abate a Nuisance** or under **Authority for Inspection or Investigation**;
- To obtain an injunction to restrain, prevent, or correct a violation of a law, rule, or order that health department has duty to enforce; or an activity or condition believed to adversely affect the public health.

B. Authority to Conduct Surveillance (*Michigan Disease Reporting Rules: MCL 333.5111; 333.5101; 333.9227; 330.3101; 333.26324*)

C. Authority for Inspection or Investigation (*MCL 333.2221; 333.2241-2247; 333.2433; Rule 173*):

- May inspect or investigate a suspected outbreak or exposure; any matter, thing, premises, place, person, record, vehicle, incident, or event;
- Requires that medical and epidemiological information pertaining to individuals who have been exposed to a disease or condition of public health significance be provided to health department;
- May seek court warrant to inspect and/or seize property and obtain assistance from law enforcement (may be referred to as “administrative search warrant”, “administrative inspection warrant”, or “administrative investigation warrant”).

VII. TABLE/SUMMARY: PUBLIC HEALTH EMERGENCY AUTHORITY

The table below provides a summary of emergency authority and actions under the Public Health Code. This list is not to be considered exhaustive or as a limit to responsibilities required by law.

	Authority/Action	Law¹	Comments
1.	Quarantine of Individuals, Groups, and Facilities Imminent Danger Order	§ 2251 § 2451	-Issued by State Health Director or Local Health Officer. -Requires determination of “imminent danger”, i.e. a condition or practice exists which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided. -May require immediate action to avoid, correct, or remove imminent danger. -If Director determines that conditions anywhere in state constitute a menace to the public health, Director may take full charge of the administration of applicable state and local health laws, rules, regulations, and ordinances. -Petition filed in circuit court for an order to compel compliance.
2.	Emergency Order to	§ 2253	-Issued by State Health Director or Local Health Officer.

¹ Refers to section of Public Health Code, MCL 333.1101 *et seq.* or communicable disease rules, Michigan Administrative Code, R 325.171 *et seq.*, promulgated under the Code (§§ 2226(d), 2435(d), 5111).

**DISTRICT HEALTH DEPARTMENT #10
PUBLIC HEALTH LEGAL PREPAREDNESS
EMERGENCY POWERS, AUTHORITIES, AND DUTIES**

	Authority/Action	Law¹	Comments
	Control Epidemic	§ 2453	-May prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic. -Unlike Warning Notice (described below) may be issued to a class of persons. -May be used to direct mass immunization (§ 9203). -Petition filed in circuit court for an order to compel compliance.
3.	Order to Abate a Nuisance	§ 2455	-Issued by State Health Director or Local Health Officer against owner of property. -If property owner does not comply, may remove nuisance and charge owner. -May seek warrant from court for assistance from law enforcement to remove nuisance.
4.	Inspection or Investigation Authority	§ 2221(2)(d) § 2241(1) § 2433(2)(c) § 2446 Rule 173(9)	-State and local health departments are authorized to inspect or investigate: -A suspected outbreak or exposure -Any matter, thing, premises, place, person, record, vehicle, incident, or event. -State and local health investigators to be provided with medical and epidemiological pertaining to individuals who have, are suspected of having, or may have been exposed to a disease or condition of public health significance.
5.	Inspection or Investigative Warrant (Administrative Warrant)	§§ 2241-2247 § 2446	-Application for warrant may be filed by State or Local Health Department. -Issued by Magistrate based on facts stated in affidavit. -May authorize property to be seized. -May direct law enforcement to assist health department in inspection or investigation.
6.	Criminal Prosecution	§ 2261	-A person who violates a rule or order of the Department is guilty of a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200, or both. -Individual may be arrested if violation occurs in the presence of a police officer, or police officer has reasonable cause to believe individual has violated rule or order (MCL 764.15(1)).
7.	Injunction	§ 2265; § 2465	-State Health Director or Local Health Director may maintain action. -May seek court order to restrain, prevent, or correct: -A violation of a law, rule or order that health department has duty to enforce -An activity or condition that health department believes adversely affects the public health.
8.	Warning Notice (for involuntary detention and treatment of individuals)	§ 2453(2) §§ 5201 - 5205	-Shall be issued by state health department representative or Local Health Officer upon a determination that individual: -Is or is reasonably believed to be a carrier of a specific infectious agent or serious communicable disease or infection

**DISTRICT HEALTH DEPARTMENT #10
PUBLIC HEALTH LEGAL PREPAREDNESS
EMERGENCY POWERS, AUTHORITIES, AND DUTIES**

	Authority/Action	Law ¹	Comments
			<ul style="list-style-type: none"> -Has demonstrated inability or unwillingness to act in a manner that does not put others at risk of exposure. -Must be in writing (may be verbal in urgent circumstances, followed by a written notice within 3 days). -Must be specific and individual, cannot be issued to a class of persons. -Must require individual to cooperate with health department in efforts to control spread of disease. -May require individual to participate in education, counseling, or treatment programs, and to undergo medical tests to verify carrier status. -Must inform individual that if individual fails to comply with Warning Notice, health department shall seek court order.
9.	Court Order for Detaining, Transporting, Testing, or Treating Carrier of Infectious Disease	§§ 5205 - 5207	<ul style="list-style-type: none"> -If individual fails or refused to comply with Warning Notice (see discussion above), health department must petition Circuit Court (Family Division) for order requiring testing, treatment, education, counseling, commitment, isolation, etc., as appropriate. -Individual has right to evidentiary hearing. -Health department must prove allegations by clear and convincing evidence. -Individual has right to appeal and review by Court of Appeals within 30 days. -Before committing individual to a facility, court must consider recommendation of a commitment panel, and commitment order must be reviewed periodically. -In an emergency, health department may go straight to court (without issuing Warning Notice). Upon filing of affidavit by health department, court may order that individual be taken into custody and transported to an appropriate emergency care or treatment facility for observation, examination, testing diagnosis, treatment, or temporary detention. -Court must have reasonable cause to believe that individual is a carrier and health threat to others. -Emergency order may be issued <i>ex parte</i>. -Hearing on temporary detainment order must be held within 72 hours (excluding weekends and holidays). -Individual who is subject of either emergency proceedings or petition on a Warning Notice has right to counsel at all stages of proceedings. Indigent individual is entitled to appointed counsel.
10.	Facilities Quarantine	Emergency Management Act 390 of 1976 which delineates Michigan Isolation and Quarantine	<ul style="list-style-type: none"> -Subject to appropriate compensation, as authorized by the legislature, private property necessary to cope with the disaster or emergency may be commandeered or utilized. -Evacuation of all or part of the population from a stricken or threatened area within the state may be ordered for the preservation of life or other mitigation, response, or recovery activities.

**DISTRICT HEALTH DEPARTMENT #10
PUBLIC HEALTH LEGAL PREPAREDNESS
EMERGENCY POWERS, AUTHORITIES, AND DUTIES**

	Authority/Action	Law¹	Comments
			<ul style="list-style-type: none"> -Routes, modes, and destination of transportation may be prescribed in connection with an evacuation. -Ingress and egress to and from a stricken or threatened area, removal of persons within the area, and the occupancy within the premises within the area may be controlled. -Temporary emergency housing must be provided.
11.	<p>Food Quarantine</p> <p>Powers and Duties of the Michigan Department of Community Health and Local Health Departments</p>	<p>Food Law 2000, Chapter II, Sections 289.2101-289.2113</p> <p>Adulterated food as a nuisance (289.2107)</p> <p>Destruction of seized food (289.2109)</p> <p>Inspection of a food establishment by director; access; securing samples or specimens of food; examination of records (289.2111)</p> <p>Order to cease food operations; resumption; reinspection hearing (289.2113)</p>	<ul style="list-style-type: none"> -The director shall provide for the administration and enforcement of the Michigan Food Law 2000. The director may delegate enforcement and administration of this act to certain local health departments in the manner provided for in chapter III. -The local health departments shall enforce this act and the rules promulgated under this act and may delegate enforcement authority under an organization approved pursuant to section 2431 of the public health code, MCL 333.2431.
12.	<p>Animal Quarantine</p> <p>Animal Industry Act</p>	<p>MDA Act 4366 of 1988</p>	<ul style="list-style-type: none"> -The director of MDA may issue quarantine on animals, equipment, vehicles, structures, premises, or any area in the state, including the entire state if necessary, for the purpose of controlling or preventing the spread of a known or suspected infectious, contagious, or toxicological disease.

VIII. PUBLIC HEALTH LEGAL PREPAREDNESS

DHD#10 recognizes that legal preparedness is essential for an effective response to a public health emergency, and that legal competencies are not attained solely by knowledge of the law. We also believe that a coordinated response across multiple sectors best serves our residents. To that end, we seek to collaboratively discuss, establish, and maintain realistic plans with our legal partners.

DHD#10 also recognizes that broad powers to protect the community, newer disease-specific control laws, and emergency management laws may overlap, having separate implementation procedures, and leading to confusing interpretations. At times, actions to protect health may be seen as excessive use of “police powers”. Decisions that impose personal restrictions must be made for the welfare of the public, while respecting rights to individual liberties whenever possible. Other considerations include assuring services for vulnerable populations, providing for basic needs, and attending to behavioral health concerns.

IX. EXAMPLES: SPECIFIC PUBLIC HEALTH EMERGENCY ORDERS

Imminent Danger Order (*MCL 333.2251; 333.2451*)

Examples include but are not limited to:

- Order for quarantine of long-term care facility residents and staff following exposure to visitor with serious communicable disease;
- Requirement of immediate action to avoid, correct, or remove any danger to public health.

Emergency Order to Control Epidemic (*MCL 333.2253; 333.2453; Mich. Admin. Code R 325.171, 2007*)

Examples include but are not limited to:

- Prohibiting public gathering at sporting event/closing of school;
- Warning Notice issued to individual regarding involuntary detention and treatment for non-compliance with disease control measures (with *MCL 333.2453; 333.5201-5205*);
- Direction of mass vaccination/medication to control serious infectious disease (with *MCL 333.9203*).

Order to Abate a Nuisance (*MCL 333.2455*)

Examples include but are not limited to:

- Order to owner to close a facility until disease-causing agent has been eliminated.

Authority to Petition a Court (*MCL 333.2251; 333.2451; 333.2253; 333.2453; 333.2455; 333.2241-2247; 333.2446; 333.2265; 333.2465; 333.5205-5207*)

Examples include but are not limited to:

- Seeking court order to compel compliance with any emergency public health order;

- Seeking court order for detaining, transporting, testing, or treating of carrier of infectious disease.

Authority to Conduct Surveillance (*Michigan Disease Reporting Rules: MCL 333.5111; 333.5101; 333.9227; 330.3101; 333.26324*)

Examples include but are not limited to:

- Requirement of health care providers, hospitals, and laboratories to provide information regarding suspected, diagnosed, or exposure to certain infectious diseases or conditions.

Authority for Inspection or Investigation (*MCL 333.2221; 333.2241-2247; 333.2433; Rule 173*)

Examples include but are not limited to:

- Seek administrative inspection/ investigation/ search warrant to investigate any matter, premises, place, person, record, vehicle, incident, or event.

X. CHECKLISTS

District Health Department #10 has outlined several emergency order checklists, listed below and attached at the end of this document, to provide guidance when issuing emergency public health orders.

Emergency order checklists include:

- [Imminent Danger](#)
- [Control of Epidemic](#)
- [Warning Notice](#)
- [Abate Nuisance](#)
- [Isolation or Quarantine](#)
- [Petition for Court Order – Failure to Comply with Public Health Order](#)
- [Petition for Court Order – Administrative Inspection/ Investigation/ Search Warrant](#)
- [Sample Statements of Evidence in Petition for Court Order: Isolation of Individual Following Failure to Comply with Public Health Order](#)
- [Sample Statements of Evidence in Petition for Court Order: Quarantine of Individual Following Failure to Comply with Public Health Order](#)

XI. MODIFIABLE PUBLIC HEALTH ORDERS

District Health Department #10 has developed several modifiable emergency public health orders, listed below and attached at the end of this document. These templates are intended to be used as a means of direct communication with an individual, or group of individuals, to provide information regarding determination of a public health threat, the nature of the threat, health effects, actions to be taken, and the authority to seek a court order for noncompliance with directed actions.

Modifiable emergency public health orders include:

- [Imminent Danger and Corrective Action](#)
- [Control of Epidemic](#)
- [Prohibit Public Gathering and/or Close Facility](#)
- [Abate Nuisance](#)
- [Individual Request for Voluntary Isolation](#)
- [Individual Order of Isolation](#)
- [Individual Request for Voluntary Quarantine](#)
- [Individual Order of Quarantine](#)
- [Warning Notice](#)
- [Proof of Service of Warning Notice](#)
- [Recalcitrant Interview](#)
- [Client Statement of Safe Behaviors](#)
- [Notice of Court Hearing for Failure to Comply with Warning Notice](#)
- [Notice of Rescission of Emergency Public Health Order](#)

XII. COURT FORMS

Court forms related to infectious disease and administrative search warrant are listed below in numerical order, including a citation of Michigan law. This numerical listing does not reflect the actual order in which these forms are commonly utilized. State-approved court forms are available online as PDF documents that may be completed and printed, but not saved, at <http://www.courts.michigan.gov/Administration/SCAO/Forms/Pages/default.aspx>.

MC 72, Petition for Testing of Infectious Disease (3/10) [MCL 333.5204(4), MCL 333.5205(3)]

MC 73, Notice of Hearing on Petition for Testing of Infectious Disease (3/10) [MCL 333.5205(9)]

MC 74, Order Following Hearing on Petition for Testing of Infectious Disease (3/08) [MCL 333.5205(7), (9)]

MC 231, Affidavit and Search Warrant (3/10) [MCL 333.2221, MCL 2241-2247]

MC 231a, Affidavit for Search Warrant – continuation (6/04) [MCL 333.2446 (2241-2247)]

PC 104, Petition for Treatment of Infectious Disease (6/98) [MCL 333.5205]

PC 105, Notice of Hearing on Petition for Treatment of Infectious Disease (6/98) [MCL 333.5205(3)]

PC 106, Order Following Hearing on Petition for Treatment of Infectious Disease (6/98) [MCL 333.5205(4), (5)]

PC 107, Order Appointing Commitment Review Panel (6/98) [MCL 333.5205(5)]

PC 108, Recommendation of Commitment Review Panel (6/98) [MCL 333.5205(6)]

PC 109, Affidavit to Accompany Petition for Transport and/or Temporary Detention (6/98) [MCL 333.5207(1), (2)]

PC 110, Petition and Ex Parte Order for Transport and/or Temporary Detention (9/09) (MCL 333.5207]

PC 111, Notice of Hearing on Petition for Temporary Detention (6/98) [MCL 333.5207(4)]

PC 112, Order Following Hearing on Petition to Continue Temporary Detention (6/98) [MCL 333.5207(5)]

PC 113, Appeal of Commitment and Order to Reconvene Commitment Review Panel (6/98) [MCL 333.5205(6)]

PC 114, Order Following Appeal of Commitment for Treatment of Infectious Disease (6/98) [MCL 333.5205 (5), (7)]

PC 115, Petition for Continued Commitment for Treatment of Infectious Disease and Order to Reconvene Commitment Review Panel (6/98) [MCL 333.5205(4)(h)]

PC 116, Order Following Hearing on Petition for Continued Commitment for Treatment of Infectious Disease (6/98) [MCL 333.5205(4), (5)]

XIII. ADMINISTRATIVE INSPECTION/ INVESTIGATION/ SEARCH WARRANT

Implementing the authority to investigate any matter, thing, premises, place, person, record, vehicle, incident, or event, in the course of addressing an actual or suspected public health threat is a special circumstance that may necessitate seeking a court order. In this case, the Health Department may present to the Prosecuting Attorney, an affidavit that sets forth the grounds and establishes probable cause that justifies issuance of the warrant. While Court Form MC 231 (Affidavit and Search Warrant) contains a place for the Prosecuting Attorney's signature, the Michigan Manual for District Court Magistrates, Section 2, Search Warrants, indicates that such signature is not required to issue the warrant. A link to this manual is included in the references section below.

Specific instructions are included with MC 231, while MC 231a is a continuation of extra pages if needed to provide the facts for probable cause. Once the affidavit has been signed by the affiant (authorized Health Department representative) and the Judge or Magistrate, a warrant is issued and presented to law enforcement officer(s), who accompany Health Department representative(s). Law enforcement may use force if entry is denied, observe the inspection, and list any property seized.

Due to the broad scope and potential array of situations to which this public health authority may apply, instructions for completing MC 231 and a sample affidavit and search warrant are included in Section XV at the end of this document.

XIV. REFERENCES and RESOURCES

Assessment of Legal Authorities, Social Distancing Law Project, Michigan Department of Community Health;

<http://www.cdc.gov/phlp/docs/Final%20MI%20legal%20assessment%20Final.pdf>

Core Legal Competencies for Public Health Professionals, Center for Law & the Public's Health;
<http://www.publichealthlaw.net/Training/TrainingPDFs/PHLCompetencies.pdf>

Legal Assessment Template, Social Distancing Law Project, Association of State and Territorial Health Officials;

<http://astho.org/programs/preparedness/astho-social-distancing-law-project-assessment-template/>

Michigan Approved Court Forms;

<http://www.courts.michigan.gov/Administration/SCAO/Forms/Pages/default.aspx>

Michigan Judicial Institute Benchbooks, Michigan Courts, Reports and Publications;

<http://courts.mi.gov/education/pubs/Pages/Benchbooks-Manuals-and-Handbooks.aspx>

Michigan Local Health Department Inspection, Investigation Power, MCL 333.2446 (2004);

http://michigan.gov/documents/II,G-Local_Health_Dept,_Insp.Inv_Power,_333_110223_7.2446.pdf

Michigan Manual for District Court Magistrates;

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/magis/mag.pdf>

Michigan Trial Court Directory;

<http://courts.mi.gov/Self-help/Directories/Pages/Trial-Court-Directory-Results.aspx>

Public Health Emergency Legal Preparedness Checklist, The Center for Law & the Public's Health; <http://www.publichealthlaw.net/Resources/ResourcesPDFs/Checklist%202.pdf>

Public Health Law Bench Book for Michigan Courts;

http://www.michigan.gov/documents/ag/Michigan_Public_Health_Bench_Book_221936_7.pdf

Public Health Law Program, Centers for Disease Control and Prevention;

<http://www.cdc.gov/phlp/>

The Center for Law & the Public's Health: A Collaborative at Johns Hopkins and Georgetown Universities; <http://publichealthlaw.net>

The Model State Health Emergency Powers Act, Prepared for the Centers for Disease Control and Prevention, The Centers for Law & the Public's Health;

<http://www.publichealthlaw.net/ModelLaws/MSEHPA.php>

XV. SAMPLE AFFIDAVIT and SEARCH WARRANT

To facilitate the request for an administrative search warrant, the 15-step instructions found on page 1 of Court Form MC 231 are included below, along with a *sample* "Affidavit and Application for Administrative Inspection Warrant", and a *sample* "Administrative Inspection Warrant".

Instructions for Preparing Affidavit and Search Warrant

This packet consists of seven parts. TYPE OR PRESS HARD. *Alternate procedures may be required for these items when using electromagnetic means for issuing warrants.

1. In paragraph one FULLY describe the person, place, or thing to be searched and give its EXACT location.
2. In paragraph two FULLY describe the property/person that is to be searched for and seized.
3. In paragraph three set forth the facts and observations that establish probable cause. If additional pages are necessary, continue on form MC 231a.
4. *Present to prosecuting official for review if required locally.
5. *Present the original of the affidavit and search warrant to the judge/magistrate for review.
6. *Swear to the contents of the affidavit and sign it before the judge/magistrate.
7. Have the judge/magistrate sign both the original of the affidavit and the search warrant.
8. Print names of judge/magistrate and affiant on all copies of the affidavit and/or search warrant where the signatures have not been reproduced by the carbons.
9. Separate packet, retaining carbons to make duplicate tabulations later.
10. *Leave original affidavit and last copy of warrant with the issuing judge/magistrate.
11. *Execute search warrant at location given.
12. Complete the tabulation (list) of property taken in the presence of the person(s) from whom it is seized, if present, or any other person (including another officer).
13. Have person before whom the tabulation is completed sign the tabulation as witness.
14. *Leave a copy of the search warrant and completed tabulation with the person(s) from whom the property was taken, if present, or at the premises.
15. *Return the original search warrant and complete tabulation to the issuing court indicating the date returned and name of the persons served.

Sample Affidavit and Application for Administrative Inspection Warrant

**STATE OF MICHIGAN
IN THE _____ DISTRICT COURT**

In the Matter of:

**AFFIDAVIT AND APPLICATION FOR
ADMINISTRATIVE INSPECTION WARRANT**
(Mr. John Doe)
(1234 Any Street)
(Anytown, MI12345)

**AFFIDAVIT AND APPLICATION FOR
ADMINISTRATIVE INSPECTION WARRANT
(1234 ANY STREET, ANYTOWN, MI12345)**

State of Michigan)
County of Any)

I, _____, having first been duly sworn, state the following:
(Health Department Official)

1. I make this Affidavit on personal knowledge acquired during the course of my employment, and if called as a witness, could competently testify to the facts stated herein.

2. I am employed as a _____ in the _____
(position) (division)
of the _____. I have worked as a _____
(name of Health Department) (position)
for _____. I also have _____
(period of time) (state other qualifications)

3. Section 2455 of the Public Health Code states in part that “A local health department may issue an order to avoid, correct, or remove, at the owner’s expense, a building or condition which violates health laws or which the local health officer or director reasonably believes to be a nuisance, unsanitary condition, or cause of illness.”

**DISTRICT HEALTH DEPARTMENT #10
PUBLIC HEALTH LEGAL PREPAREDNESS
EMERGENCY POWERS, AUTHORITIES, AND DUTIES**

4. I therefore request, on behalf of _____, that this Court,
(name of Health Department)
pursuant to MCL 333.2455, issue the Administrative Inspection Warrant attached to this
Affidavit and Application.

(signature of Health Department Official)

(typed name of Health Department Official)

Subscribed and sworn to before me

this _____ day of _____, _____.
(year)

(signature of Notary Public)

(typed name of Notary Public)

(stamp of Notary Public)

(remainder of page intentionally left blank)

Sample Administrative Inspection Warrant

**STATE OF MICHIGAN
IN THE _____ DISTRICT COURT**

In the Matter of:

ADMINISTRATIVE INSPECTION WARRANT

Mr. John Doe
1234 Any Street
Anytown, MI12345

**ADMINISTRATIVE INSPECTION WARRANT
FOR (1234 ANY STREET, ANYTOWN, MI12345)**

To: Any officer, employee, or authorized agent, contractor, or representative of

(name of Health Department) and any sheriff or law enforcement officer
assisting in the execution of this warrant.

Based on the Affidavit and Application for Administrative Inspection Warrant of

(Health Department Official) , attached hereto, the _____
(name of Health Department)
has established sufficient cause for issuance of this Administrative Inspection Warrant to inspect
the premises of (1234 Any Street, Anytown, MI12345) to correct or remove conditions or
substances that may be sources of _____.
(name of specific infectious agent or other health threat)

This administrative warrant is issued pursuant to MCL 333.2241 *et seq.*

IT IS ORDERED that the property owner of (1234 Any Street, Anytown, MI12345)
permit _____,
(name of Health Department) , through any of its officers, employees, authorized
agents, contractors, or representatives, acting at the direction of _____
(name of Health Department)

**DISTRICT HEALTH DEPARTMENT #10
PUBLIC HEALTH LEGAL PREPAREDNESS
EMERGENCY POWERS, AUTHORITIES, AND DUTIES**

to enter and, as needed, re-enter the property at (1234 Any Street, Anytown, MI12345) to correct or remove conditions or substances that may be sources of _____
(specific infectious agent or threat)

related to the provisions of the Public Health Code including, but not limited to, MCL 333.2455.

IT IS FURTHER ORDERED that _____ may inspect or seize
(name of Health Department)
any potentially contaminated materials, _____, including, but not
(list specific expected items)
limited to _____ in furtherance of this inspection.
(list other potential items)

IT IS FURTHER ORDERED that a copy of this Administrative Inspection Warrant shall be left at the premises at or before the time of the initial entry permitted by this Warrant.

IT IS FURTHER ORDERED that the duration of this Administrative Inspection Warrant shall be of such reasonable length to enable _____ to satisfactorily
(name of Health Department)
complete the activities authorized herein.

IT IS FURTHER ORDERED that the entry and activities authorized by this Administrative Inspection Warrant shall be conducted at a reasonable time and may continue on additional days, if necessary.

IT IS FURTHER ORDERED that upon service of this Administrative Inspection Warrant, property owner of (1234 Any Street, Anytown, MI12345) shall maintain and preserve, until _____ has completed this inspection and investigation of this
(name of Health Department)
property for _____ hazard, related items or things found on the premises for
(name of specific agent)
testing by _____ under this Administrative Inspection Warrant.
(name of Health Department)

**DISTRICT HEALTH DEPARTMENT #10
PUBLIC HEALTH LEGAL PREPAREDNESS
EMERGENCY POWERS, AUTHORITIES, AND DUTIES**

IT IS FURTHER ORDERED that _____ shall prepare a
(name of Health Department)
written inventory of all items seized and provide a copy of the inventory to this Court.

Entered: _____
(date)

District Court Judge/Magistrate

Affiant (Health Department Official)

(remainder of page intentionally left blank)

XVI. ATTACHMENTS

Please note: Individual attachment pages are not numbered, but are hyperlinked below.)

A. Individual Emergency Public Health Order Checklists

[Abate Nuisance](#)

[Control of Epidemic](#)

[Court Order: Administrative Inspection/ Investigation Search Warrant](#)

[Court Order: Failure to Comply with Public Health Order](#)

[Court Order: Sample Statements of Evidence](#)

[Imminent Danger](#)

[Isolation or Quarantine](#)

[Warning Notice](#)

B. Modifiable Emergency Public Health Orders

[Abate Nuisance](#)

[Client Statement of Safe Behaviors](#)

[Control of Epidemic](#)

[Imminent Danger and Corrective Action](#)

[Individual Order of Isolation](#)

[Individual Order of Quarantine](#)

[Individual Request for Voluntary Isolation](#)

[Individual Request for Voluntary Quarantine](#)

[Notice of Court Hearing-Failure to Comply with Warning Notice](#)

[Prohibit Public Gathering and/or Close Facility](#)

[Proof of Service of Warning Notice](#)

[Recalcitrant Interview](#)

[Rescission of Emergency Public Health Order](#)

[Warning Notice](#)

**District Health Department #10
Emergency Public Health Order Checklist**

Abate Nuisance

- Determine need for Order to Abate Nuisance:
There is an unreasonable interference with a right common to the general public involving conduct that significantly interferes with the public's health, safety, peace, comfort, or convenience.
- Determine specific directive(s) for necessary action(s) that will avoid, correct, or remove the condition that impacts or threatens the public's health.
- Prepare written order(s). May use the following modifiable requests and/or orders, located in the attachments to the Community Containment/Infection Control Guideline:
 - **Imminent Danger and Corrective Action**
 - **Abate Nuisance to Avoid, Correct, or Remove an Unsanitary Condition or Cause of Illness in a Facility**
- Communicate order(s) to owner(s) of affected facility.
- Communicate order(s) to other individuals/groups authorized or able to take corrective action.
- Direct posting of written order or notice at site of danger, where applicable.
- If no compliance, may petition court to compel compliance. For details, refer to **Petition for Court Order Checklist**, located in the attachments to the Community Containment/Infection Control Guideline.
- Rescind public health order(s) based on determination that hazardous condition has been corrected or no longer exists.
- Communicate rescission to affected individuals, groups, and/or facilities. May use the modifiable **Notice of Rescission of Emergency Public Health Order**, located in the attachments to the Community Containment/Infection Control Guideline.
- Maintain documentation of all actions and communications related to Order to Abate Nuisance

Authority: Michigan Public Health Code, MCL 333.2251; 333.2451, 333.2253, 333.2453, 333.2455, 333.5201-5207

**District Health Department #10
Emergency Public Health Order Checklist**

Control of Epidemic

- Determine that control of an epidemic is necessary to protect the public's health.
- Determine specific actions needed to control epidemic. May include the following:
 - Orders to a class of persons, including isolation or quarantine.
 - Order to prohibit the gathering of people for any purpose.
 - Order to establish procedures to be followed by persons during the epidemic to ensure continuation of essential services and control spread of disease.
 - Order to direct mass vaccinations.
 - Warning Notice to individual who fails to comply with orders.
- Prepare written order(s). May use the following modifiable requests and/or orders, located in the attachments to the Community Containment/Infection Control Guideline:
 - **Control of Epidemic**
 - **Individual Request for Voluntary Isolation**
 - **Individual Order of Isolation**
 - **Individual Request for Voluntary Quarantine**
 - **Individual Order of Quarantine**
 - **Prohibit Public Gathering and/or Close Facility**
 - **Warning Notice, and related modifiable documents**
- Communicate order(s) to affected individuals, groups, and/or facilities.
- Direct posting of notice/order in public venues, as applicable.
- For details on requests or orders for isolation or quarantine, refer to **Emergency Public Health Order Checklist – Isolation or Quarantine**, located in the attachments to the Community Containment/Infection Control Guideline.
- For details on Warning Notice, refer to **Emergency Public Health Order Checklist –Warning Notice**, located in the attachments to the Community Containment/Infection Control Guideline.
- If no compliance, may petition court to compel compliance. For details, refer to **Petition for Court Order Checklist**, located in the attachments to the Community Containment/Infection Control Guideline.
- Rescind order(s) based on determination that epidemic is controlled.
- Communicate rescission to affected individuals, groups, and/or facilities. May use the modifiable **Notice of Rescission of Emergency Public Health Order**, located in the attachments to the Community Containment/Infection Control Guideline.
- Maintain documentation of all actions and communications related to Emergency Order to Control Epidemic.

Authority: Michigan Public Health Code, MCL 333.2253; 333.2453; 333.5201-5207

**District Health Department #10
Petition for Court Order Checklist**

Administrative Inspection/ Investigation/ Search Warrant

A Petition for Court Order may be filed to allow the Health Department to inspect or investigate a suspected outbreak or exposure; any matter, thing, premises, place, person, record, vehicle, incident, or event; to seek a warrant for inspection, investigation, and search.

- Determine need for Petition for Court Order for Inspection/ Investigation/ Search Warrant.
- When seeking court order, be aware of individual due process as granted by the 5th& 14th Amendments of the U.S. Constitution, and advise individual of these rights:
 - ◇ Right to notice
 - ◇ Right to counsel
 - ◇ Right to court hearing on request
 - ◇ Rational / reasonable basis for inspection, investigation, and/or search
- Prepare and deliver to Prosecuting Attorney and/or Court Judge or Magistrate – Court Form MC 231 (Affidavit and Search Warrant), and, if needed, MC 231a (Affidavit for Search Warrant, continuation). (*Court Forms are available online in PDF format and may be filled out and printed, but not saved, at: <http://www.courts.michigan.gov/Administration/SCAO/Forms/Pages/default.aspx>.*)
- Adhere to the following instructions when preparing Court Form MC231 (included with the form and taken from the Michigan Manual for District Court Magistrates; <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/magis/mag.pdf>).
 - *Alternate procedures may be required for these items when using electromagnetic means for issuing warrants.
 - 1. In paragraph one FULLY describe the person, place, or thing to be searched and give its EXACT location.
 - 2. In paragraph two FULLY describe the property/person that is to be searched for and seized.
 - 3. In paragraph three set forth the facts and observations that establish probable cause. If additional pages are necessary, continue on form MC 231a.
 - 4. *Present to prosecuting official for review if required locally.
 - 5. *Present the original of the affidavit and search warrant to the judge/magistrate for review.
 - 6. *Swear to the contents of the affidavit and sign it before the judge/magistrate.
 - 7. Have the judge/magistrate sign both the original of the affidavit and the search warrant.
 - 8. Print names of judge/magistrate and affiant on all copies of the affidavit and/or search warrant where the signatures have not been reproduced by the carbons.
 - 9. Separate packet, retaining carbons to make duplicate tabulations later.
 - 10. *Leave original affidavit and last copy of warrant with the issuing judge/magistrate.
 - 11. *Execute search warrant at location given.
 - 12. Complete the tabulation (list) of property taken in the presence of the person(s) from whom it is seized, if present, or any other person (including another officer).
 - 13. Have person before whom the tabulation is completed sign the tabulation as witness.
 - 14. *Leave a copy of the search warrant and completed tabulation with the person(s) from whom the property was taken, if present, or at the premises.
 - 15. *Return the original search warrant and complete tabulation to the issuing court indicating the date returned and name of the persons served.
- Be aware of the following checklist, taken from the Michigan Manual for District Court Magistrates (<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/magis/mag.pdf>):
 - 2.3.1 CHECKLIST FOR ISSUING SEARCH WARRANT**
 - Examine the affidavit and search warrant.
 - Determine that the person, place, or thing to be searched is described with particularity.

- Determine that the property or person to be searched for and seized is described with particularity.
 - Determine that the property is a proper subject for seizure. See Section 2.2.4, page 13, for a list of property that may be the subject of a search warrant.
 - Determine that the affidavit establishes probable cause to believe that the articles to be seized may be found in the place to be searched.
 - If the affidavit is based on information supplied to affiant by a *named person*, determine that the affidavit contains affirmative allegations from which the magistrate may conclude that the named person spoke with personal knowledge of the information.
 - If the affidavit is based on information supplied to affiant by an *unnamed person*, determine that the affidavit contains affirmative allegations from which the magistrate may conclude that the unnamed person spoke with personal knowledge, and that the unnamed person is credible, *or* that the information is reliable.
 - Administer oath to affiant. Ask if allegations in the affidavit are true to best of affiant's information and belief. Then have affiant sign the affidavit.
 - Sign and date the affidavit and search warrant.
 - Retain original affidavit and original copy of warrant.
 - Direct officer in charge to leave a completed copy of the return to the search warrant at the place searched.
 - Ensure a filled-out return to the search warrant is promptly filed with the court after execution of search.
- If warrant is granted, accompany law enforcement to execute warrant. Advise regarding any precautions to be taken. Provide personal protective equipment, if needed.
- Perform inspection, investigation, and/or search according to epidemiological principles for control of infectious disease or other public health threat.
- If property or material is seized, maintain universal precautions to prevent spread of disease.
- Maintain chain of custody if further legal action may be pending.
- Maintain copies of all submitted court forms, received court forms/orders, letters/notices, and communications with court and individual related to this Petition for Court Order.
- Maintain documentation of all actions taken as a result of this Petition for Court Order.

Authority: Michigan Public Health Code, MCL 333.2253; 333.2453; 333.5201-5207; 333.2221; 333.2241-2247; 333.2433; Rule 173)

District Health Department #10
Petition for Court Order Checklist

Failure to Comply with Public Health Order
Imminent Danger
Control of Epidemic
Abate Nuisance

*A **Petition for Court Order** may be filed for failure to comply with a Public Health Order. The Checklist below applies more to Court Orders related to isolation and quarantine, but may be adapted for other situations.*

- Determine need for Petition for Court Order for temporary detention, treatment of infectious disease, or other action to protect the health of the public. (Potential court forms to be used in matters related to infectious disease are listed and referenced below at the end of this Checklist.)
- When seeking court order, be aware of individual due process as granted by the 5th & 14th Amendments of the U.S. Constitution, and advise individual of these rights:
 - ◇ Right to notice
 - ◇ Right to counsel
 - ◇ Right to court hearing on request
 - ◇ Rational / reasonable basis for detention
- Prepare and deliver to Family Court – Court Forms PC 109 (Affidavit to Accompany Petition for Transport and/or Temporary Detention) and PC 110 (Petition and Ex Parte Order for Transport and/or Temporary Detention), presenting clear and convincing evidence of need for court order. (Sample statements of evidence are listed below following this Checklist.)
- If individual is detained, fulfill obligations throughout period of detention by assuring provision of basic needs:
 - ◇ Food, including special dietary needs
 - ◇ Water
 - ◇ Shelter
 - ◇ Safety
 - ◇ Sanitation
 - ◇ Medical care and medications
 - ◇ Mental health care
 - ◇ Cultural and religious needs
- Maintain regular contact, a minimum of daily, with detained/confined individual, by phone or visit to:
 - ◇ Monitor and assess compliance with confinement and other instruction.
 - ◇ Monitor medical condition.
 - ◇ Monitor personal needs.
- Participate in 72-hour court hearing as scheduled by court.
- Determine need for continued detention beyond 5 days.
- If needed, petition court within 5 days of 1st court petition, for continuation of detention.
- Prepare and deliver to Family Court – Court Form PC 104 (Petition for Treatment of Infectious Disease).
- Participate in court hearings and panels as applicable and scheduled by court.
- If court grants continued detention, determine need for longer detention/treatment of infectious disease.

- If needed, petition court for further continuation of detention.
- If individual is detained in a facility, request and assist director of facility to complete and deliver Court Form PC 115 (Petition for Continued Commitment for Treatment of Infectious Disease and Order to Reconvene Commitment Panel).
- If individual is detained in another location, may need to re-initiate Court Forms 109 and 110 above with new information.
- Maintain copies of all submitted court forms, received court forms/orders, letters/notices, and communications with court and individual related to Petition for Court Order.
- Court Forms, in order of probable use, are listed immediately below. *Court Forms are available online in PDF format and may be filled out and printed, but not saved, at:*
<http://www.courts.michigan.gov/Administration/SCAO/Forms/Pages/default.aspx>.
 - ◇ MC 72, Petition for Testing of Infectious Disease
 - ◇ MC 73, Notice of Hearing on Petition for Testing of Infectious Disease
 - ◇ MC 74, Order Following Hearing on Petition for Testing of Infectious Disease
 - ◇ MC 231, Affidavit and Search Warrant
 - ◇ MC 231a, Affidavit for Search Warrant (continuation)
 - ◇ PC 109, Affidavit to Accompany Petition for Transport and/or Temporary Detention
 - ◇ PC 110, Petition and Ex Parte Order for Transport and/or Temporary Detention
 - ◇ PC 111, Notice of Hearing on Petition for Temporary Detention
 - ◇ PC 112, Order Following Hearing on Petition to Continue Temporary Detention
 - ◇ PC 104, Petition for Treatment of Infectious Disease
 - ◇ PC 105, Notice of Hearing on Petition for Treatment of Infectious Disease
 - ◇ PC 106, Order Following Hearing on Petition for Treatment of Infectious Disease
 - ◇ PC 107, Order Appointing Commitment Review Panel
 - ◇ PC 108, Recommendation of Commitment Review Panel
 - ◇ PC 113, Appeal of Commitment and Order to Reconvene Commitment Review Panel
 - ◇ PC 114, Order Following Appeal of Commitment for Treatment of Infectious Disease
 - ◇ PC 115, Petition for Continued Commitment for Treatment of Infectious Disease and Order to Reconvene Commitment Review Panel
 - ◇ PC 116, Order Following Hearing on Petition for Continued Commitment for Treatment of Infectious Disease
- Maintain documentation of all actions related to Petition for Court Order.

Authority: Michigan Public Health Code, MCL 333.2253; 333.2453; 333.5201-5207

**Sample Statements of Evidence in Petition for Court Order:
Isolation of Individual Following Failure to Comply with Public Health Order**

1. The _____ Health Department has received reports of increasing numbers of ill people exhibiting symptoms of a disease that has in its common course severe disability or death.
2. Since _____ (date of 1st case report), over _____ (number) people have been stricken with this disease and _____ (number) have died.
3. The biological agent causing this disease has not been conclusively identified at this time.
4. The symptoms that characterize this disease include: _____.
5. Clear and convincing evidence shows that those people who are in physical contact with or in the proximity of _____ feet or less of an individual infected with this disease are likely to exhibit symptoms within _____ days, which period of time is referred to herein as the “incubation period”. (Include any other known information about the method of disease transmission.) Thus, the evidence suggests this disease is easily transmissible from person-to-person.
6. There are no known preventative medications for this disease at this time.
7. The most effective method currently known to medical science to contain and curtail the spread of this disease is the isolation of anyone who has the symptoms identified above, and the quarantine of those who have been exposed to a person infected with this disease for the duration of the incubation period identified above.
8. Qualified medical experts, including _____ (names and titles), have indicated that _____ (name of individual) is exhibiting the following symptoms: _____ (list).
9. _____ (names and their association with individual) have indicated that _____ (name of individual) comes into contact with numerous individuals on a regular basis through his/her activities as _____ (list applicable profession or personal undertakings) and that _____ (name of individual) has undertaken these activities since becoming infected with this disease.
10. Due to _____’s (name of individual) display of the symptoms described above, _____ (name of individual) requires skilled medical care in an appropriate medical facility.
11. Isolation of _____ (name of individual) in a medical facility will reasonably protect those with whom _____ (name of individual) would otherwise come in contact from acquiring this disease from _____ (name of individual).
12. The _____ Health Department is the agency with the authority to control the spread of infectious diseases and the responsibility to provide medical care and supervision of _____ (name of individual).
13. In an attempt to prevent _____ (name of individual) from undertaking activities potentially harmful to the public’s health, the _____ Health Department issued an order of isolation to _____ (name of individual) on _____ (date) which has been provided to the Court.
14. _____ (name of individual) has failed to comply with this order, as evidenced by _____ (list activities and witnesses in detail).

Source: Public Health Law Bench Book for Michigan Courts, Michigan Office of the Attorney General, October 2007

**Sample Statements of Evidence in Petition for Court Order:
Quarantine of Individual Following Failure to Comply with Public Health Order**

1. The _____ Health Department has received reports of increasing numbers of ill people exhibiting symptoms of a disease that has in its common course severe disability or death.
2. Since _____ (date of 1st case report), over _____ (number) people have been stricken with this disease and _____ (number) have died.
3. The biological agent causing this disease has not been conclusively identified at this time.
4. The symptoms that characterize this disease include: _____.
5. Clear and convincing evidence shows that those people who are in physical contact with or in the proximity of _____ feet or less of an individual infected with this disease are likely to exhibit symptoms within _____ days, which period of time is referred to herein as the “incubation period”. (Include any other known information about the method of disease transmission.) Thus, evidence suggests this disease is easily transmissible from person-to-person.
6. There are no known preventative medications for this disease at this time.
7. The most effective method currently known to medical science to contain and curtail the spread of this disease is the isolation of anyone who has the symptoms identified above, and the quarantine of those who have been exposed to a person infected with this disease for the duration of the incubation period identified above.
8. Qualified witnesses, including _____ (names, titles, association with individual), have indicated that _____ (name of individual) has come into contact with _____ (name of infected individual), who is infected with this disease, on _____ (date) in the following manner: _____ (list means of contact in detail).
9. Qualified medical experts, including _____ (names and titles) have indicated that this contact is sufficient for _____ (name of infected individual) to have transmitted this disease to _____ (name of individual).
10. _____ (names and their association with individual) have indicated that _____ (name of individual) comes into contact with numerous individuals on a regular basis through his/her activities as _____ (list applicable profession or personal undertakings) and that _____ (name of individual) has undertaken these activities since coming into contact with _____ (name of infected individual).
11. Quarantine of _____ (name of individual) in _____’s (name of individual) home will reasonably protect those with whom _____ (name of individual) would otherwise come in contact from acquiring this disease from _____ (name of individual) in the event _____ (name of individual) is infected with this disease.
12. The _____ Health Department is the agency with the authority to control the spread of infectious diseases and the responsibility to provide medical care, supervision, and other necessities for _____ (name of individual).
13. In an attempt to prevent _____ (name of individual) from undertaking activities potentially harmful to the public’s health, the _____ Health Department issued an order of quarantine to _____ (name of individual) on _____ (date) which has been provided to the Court.
14. _____ (name of individual) has failed to comply with this order, as evidenced by _____ (list activities and witnesses in detail).

Source: Public Health Law Bench Book for Michigan Courts, Michigan Office of the Attorney General, October 2007

**District Health Department #10
Emergency Public Health Order Checklist**

Isolation or Quarantine

An Emergency Order for Isolation or Quarantine may be issued as part of an Imminent Danger Order or an Emergency Order to Control Epidemic.

- Determine need for isolation or quarantine based on clear and convincing evidence that the public's health and welfare are significantly endangered by the diseased/exposed individual.
- Demonstrate that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists.
- Determine least restrictive measures that will achieve the purpose of preventing spread of infection.
- Determine place of confinement, preferably a home setting.
- Determine expected duration of confinement. For isolation, duration is based on the known or expected period of communicability of the disease agent. For quarantine, duration is based on the known or expected incubation period of the agent.
- Depending on circumstances, may first issue request for voluntary isolation or quarantine. If request is not appropriate, issue order of isolation or quarantine.
- Prepare written request or order. May use the following modifiable requests and/or orders, located in the attachments to the Community Containment/Infection Control Guideline:
 - **Control of Epidemic**
 - **Individual Request for Voluntary Isolation**
 - **Individual Order of Isolation**
 - **Individual Request for Voluntary Quarantine**
 - **Individual Order of Quarantine**
- Communicate request or order to affected individuals, groups, and/or facilities. May request law enforcement officer accompany health department staff, if needed.
- Direct posting of written order or notice, where applicable.
- If no compliance, may elect to file Petition for Court Order for temporary detention, or may first prepare and deliver Warning Notice.
- For details on Warning Notice, refer to **Emergency Public Health Order Checklist –Warning Notice**, located in the attachments to the Community Containment/Infection Control Guideline.
- For details on Court Order, refer to **Petition for Court Order Checklist**, located in the attachments to the Community Containment/Infection Control Guideline.
- Fulfill obligations to detained/confined individual by assuring provision of basic needs:
 - ◇ Food, including special dietary needs
 - ◇ Water
 - ◇ Shelter
 - ◇ Safety
 - ◇ Sanitation
 - ◇ Medical care and medications

- ◇ Mental health care
- ◇ Cultural and religious needs

- Maintain regular contact, a minimum of daily, with detained/confined individual, by phone or visit to:
 - ◇ Monitor and assess compliance with confinement and other instruction.
 - ◇ Monitor medical condition.
 - ◇ Monitor personal needs.

- Rescind request or order (voluntary or involuntary) based on determination that confinement is no longer necessary to prevent spread of infection.

- Communicate rescission to affected individuals. May use the modifiable **Notice of Rescission of Emergency Public Health Order**, located in the attachments to the Community Containment/Infection Control Guideline.

- Maintain documentation of all actions and communications related to Orders for Isolation or Quarantine.

Authority: Michigan Public Health Code, MCL 333.2253; 333.2453; 333.5201-5207

**District Health Department #10
Emergency Public Health Order Checklist**

Imminent Danger

- Determine need for Imminent Danger Order:
A condition or practice exists which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided.
- Determine specific directive(s) for necessary action(s) that will avoid, correct, or remove the danger. May include isolation and quarantine of individuals, groups, and/or facilities.
- Prepare written order(s). May use the following modifiable requests and/or orders, located in the attachments to the Community Containment/Infection Control Guideline:
 - **Imminent Danger and Corrective Action**
 - **Individual Request for Voluntary Isolation**
 - **Individual Order of Isolation**
 - **Individual Request for Voluntary Quarantine**
 - **Individual Order of Quarantine**
- Communicate order(s) to affected individuals, groups, and/or facilities.
- Communicate order(s) to individuals/groups authorized or able to take corrective action.
- Direct posting of written order or notice at site of danger, where applicable.
- For details on requests or orders for isolation or quarantine, refer to **Emergency Public Health Order Checklist – Isolation or Quarantine**, located in the attachments to the Community Containment/Infection Control Guideline.
- If no compliance, may petition court to compel compliance. For details, refer to **Petition for Court Order Checklist**, located in the attachments to the Community Containment/Infection Control Guideline.
- Rescind public health order(s) based on determination that danger no longer exists.
- Communicate rescission to affected individuals, groups, and/or facilities. May use the modifiable **Notice of Rescission of Emergency Public Health Order**, located in the attachments to the Community Containment/Infection Control Guideline
- Maintain documentation of all actions and communications related to Imminent Danger Order.

Authority: Michigan Public Health Code, MCL 333.2251; 333.2451, 333.2253; 333.2453; 333.5201-5207

District Health Department #10
Emergency Public Health Order Checklist

Warning Notice

*A **Warning Notice** may be issued to an individual determined to be a health threat to others as part of an **Emergency Order for Control of Epidemic**.*

- Identify individual who is a health threat to others due to failure to comply with request for voluntary action to prevent spread of infection.
- Determine need for **Warning Notice** to said individual in order to protect the public's health.
- Prepare written **Warning Notice**. May use modifiable **Warning Notice** located in the attachments to the Community Containment/Infection Control Guideline.
- Observe legal requirements for **Warning Notice**:
 - ◇ Individual is reasonably believed to be a carrier of a specific communicable infection.
 - ◇ Individual has demonstrated inability or unwillingness to act in a manner that does not put others at risk of exposure.
 - ◇ **Warning Notice** must be in writing (may be verbal in urgent circumstances and followed by written notice within 3 days).
 - ◇ Notice must be specific and individual, not to a class of persons.
 - ◇ Notice must require individual to cooperate in efforts to control spread of disease.
 - ◇ Notice may require individual to participate in education, counseling, or treatment programs, and to undergo medical tests to verify carrier status.
 - ◇ Notice must inform individual that health department will seek court order for failure to comply.
- Deliver **Warning Notice** to individual, using modifiable **Proof of Service of Warning Notice** located in attachments to the Community Containment/Infection Control Guideline. May request law enforcement officer accompany health department staff, if needed.
- Attempt to obtain individual's voluntary cooperation.
- Inform individual of right to court hearing if court order must be sought.
- If no compliance with **Warning Notice**, may seek court order to compel compliance. For details, refer to **Petition for Court Order Checklist**, located in the attachments to the Community Containment/Infection Control Guideline.
- Inform individual of court hearing using **Notice of Court Hearing Regarding Failure to Comply with Warning Notice**, located in the attachments to the Community Containment/Infection Control Guideline.
- As appropriate, may also use **Recalcitrant Interview** form and/or **Client Statement of Safe Behaviors**, located in the attachments to the Community Containment/Infection Control Guideline.
- Maintain documentation related to all aspects of issuance of **Warning Notice**.

Authority: Michigan Public Health Code, MCL 333.5201-5207



Administrative Office
3986 N Oceana Drive
Hart, MI49420

phone (231) 873-2193
fax (231) 873-4248

Serving the Counties of
Crawford, Kalkaska, Lake, Manistee, Mason, Mecosta, Missaukee, Newaygo, Oceana, and Wexford

**EMERGENCY PUBLIC HEALTH ORDER:
ABATE NUISANCE TO AVOID, CORRECT, OR REMOVE
AN UNSANITARY CONDITION OR CAUSE OF ILLNESS IN A FACILITY**

This order is made pursuant to Section 2455 of the Michigan Public Health Code, being MCL 333.2455.

To: _____

Address: _____

District Health Department #10 has determined that a condition that is unsanitary or may cause illness exists in the facility/building located at: _____

The nature of this condition is: _____

This condition may cause the following effects on the health of the public: _____

Due to this situation, District Health Department #10 orders that this facility/building be closed to the public until the unsanitary or illness-causing condition is corrected or removed, a notice of closure be posted in a prominent location at the site, and the following remedial actions be taken: _____

If you do not comply with this order, the Health Department will initiate court action in accordance with PA 368, MCL 333.2455. Additionally, in accordance with PA 368, MCL 333.2451 and 2453, the Health Department may issue additional public health orders.

Fact sheets on many health conditions may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this order may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer
District Health Department #10

Date



Administrative Office
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CLIENT STATEMENT OF SAFE BEHAVIORS

I, _____, have been instructed by a District Health Department #10 staff member, as to what safe behaviors I need to follow to prevent further transmission of _____

I have had all my questions regarding safe behaviors answered to my satisfaction. I understand what actions District Health Department #10 may have to take should I not follow these instructions, including any actions under the Michigan Public Health Code, Section 333.5201 et seq. My signature below means that I understand and intend to follow the safe behaviors that have been discussed with me by the Health Department staff.

Client Signature Date: _____

For District Health Department #10 Date: _____

Witness Date: _____

Fact sheets on many health conditions may be found at www.cdc.gov. You may also call your local county office of District Health Department #10 for more information.

- | | | | |
|-------------------|--------------|------------------|--------------|
| Crawford County: | 989-348-7800 | Kalkaska County: | 231-258-8669 |
| Lake County: | 231-745-4663 | Manistee County: | 231-723-3595 |
| Mason County: | 231-845-7381 | Mecosta County: | 231-592-0130 |
| Missaukee County: | 231-839-7167 | Newaygo County: | 231-689-7300 |
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EMERGENCY PUBLIC HEALTH ORDER: CONTROL OF EPIDEMIC

This order is made pursuant to Section 2453 of the Michigan Public Health Code, being MCL 333.2453.

The Health Officer of District Health Department #10 has determined the following conditions exist that necessitate action to control an epidemic:

1. A biological agent, or the effects of a biological agent, have been detected within District Health Department #10;
2. A disease, _____, has been identified that can be transmitted from person to person;
3. In order to control and limit the spread of this communicable disease, it is necessary to prevent infected individuals from coming into contact with uninfected individuals; and
4. In order to control and limit the spread of this communicable disease, it is necessary to prohibit the gathering of people for any purpose.

Therefore it is ordered that:

- Individuals exhibiting symptoms of this communicable disease shall be isolated and prevented from coming into contact with other individuals who have not exhibited the symptoms or otherwise demonstrated that they are infected;
- Individuals who have been exposed to individuals exhibiting symptoms of this communicable disease shall be quarantined and prevented from coming into contact with other individuals who have not been exposed or exhibited the symptoms;
- In the following location(s), individuals shall not gather in groups for any reason:

- The contents of this order shall be published and distributed to members of the public in District Health Department #10 by all reasonable means available.

Fact sheets on many health conditions may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this order may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer, District Health Department #10

Date



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**EMERGENCY PUBLIC HEALTH ORDER:
IMMINENT DANGER and CORRECTIVE ACTION**

This order is made pursuant to Section 2451 of the Michigan Public Health Code, being MCL 333.2451.

The Health Officer of District Health Department #10 has determined the following conditions exist that constitute a hazard or danger to the health of individuals:

This condition puts the following affected locations, groups, and/or individuals at risk:

This condition could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided. This situation constitutes an imminent danger to the health or lives of the residents of District Health Department #10.

It is therefore ordered that the following corrective actions be undertaken immediately:

Additionally, the following long-term correction actions are ordered:

A copy of this order shall be delivered to _____
at _____

and shall be posted in a prominent location at the affected site. If you do not comply with this order, court action to compel compliance may be initiated in accordance with MCL 333.2451.

Fact sheets on many health conditions may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this order may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer
District Health Department #10

Date



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**EMERGENCY PUBLIC HEALTH ORDER:
INDIVIDUAL ORDER OF ISOLATION**

This order is made pursuant to Sections 2451 and 2453 of the Michigan Public Health Code, being MCL 333.2451 and 333.2453.

To: _____

Address: _____

District Health Department #10 has reason to suspect that you are infected with the contagious disease: _____. If you are in fact infected with this disease you pose a substantial threat to the health of the community. In order to prevent transmission of this contagious disease, the Health Department orders that you be placed in isolation in accordance with PA 368, MCL 333.2451, 2453, & 5201-5210.

Isolation means that you should not come into contact with other people. The location where you are to be isolated is _____. The Health Department considers this to be the least restrictive clinically appropriate place of isolation given the nature of the suspected disease.

This order shall be in effect until you are deemed non-contagious by the Health Department and therefore no longer pose a substantial threat to the health of the public. It is anticipated that you will need to be isolated for at least _____ to verify a diagnosis and render you non-contagious provided you start and respond to treatment.

During this period you will be required to undergo a medical exam and bodily specimens will be collected for analysis. In addition, you should accept any treatment recommended by your health care providers. Failure to accept treatment may significantly increase the duration of isolation and may require the Health Department to issue an order compelling treatment.

If you leave the designated place of isolation without the prior consent of the Health Department, action will be taken as authorized under PA 368, MCL 333.2451, 2453, & 2465 to have you taken into custody by law enforcement officials and returned to the place of isolation. If you object to this order of isolation you may request a court hearing in accordance with PA 368, MCL 333.5205-5207.

Fact sheets on this disease may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this order may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer, District Health Department #10

Date



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**EMERGENCY PUBLIC HEALTH ORDER:
INDIVIDUAL ORDER OF QUARANTINE**

This order is made pursuant to Sections 2451 and 2453 of the Michigan Public Health Code, being MCL 333.2451 and 333.2453.

To: _____
Address: _____

District Health Department #10 has reason to suspect that you have come in contact with a person who has a contagious disease and, hence, that you may have or develop this disease. Specifically, you are suspected of having come into contact with a person who has _____

If you were to have this disease you would pose a substantial threat to the health of the community. In order to prevent transmission of this contagious disease, the Health Department orders that you be placed in quarantine in accordance with PA 368, MCL 333.2451, 2453, & 5201-5210.

Quarantine means that you should not come into contact with other people. This will help protect your health and the health of others. The location where you are to be quarantined is _____
The Health Department considers this the least restrictive clinically appropriate place of quarantine given the nature of the disease with which you may have come into contact.

This order shall be in effect until you are deemed non-contagious by the Health Department and therefore do not pose a substantial threat to the health of the public. It is anticipated that you will need to be quarantined for at least _____
_____ to verify whether you have this contagious disease.
During this period you may be required to undergo a medical exam and bodily specimens may be required for analysis.

If you leave the designated place of quarantine without the prior consent of the Health Department, action will be taken as authorized under PA 368, MCL 333.2451, 2453, & 2465 to have you taken into custody by law enforcement officials and returned to the place of quarantine.

If you object to this order of quarantine you may request a court hearing in accordance with PA 368, MCL 333.5205-5207.

Fact sheets on this disease may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this order may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer, District Health Department #10

Date



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INDIVIDUAL REQUEST FOR VOLUNTARY ISOLATION

This request is made pursuant to Sections 2451 and 2453 of the Michigan Public Health Code, being MCL 333.2451 and 333.2453.

To: _____

Address: _____

District Health Department #10 has reason to suspect that you are infected with the contagious disease:_____. If you are in fact infected with this disease, you pose a substantial threat to the health of the community. In order to prevent transmission of this contagious disease, the Health Department requests that you voluntarily be placed in isolation.

Isolation means that you should not come into contact with other people. The location where you are requested to be isolated is _____. The Health Department considers this the least restrictive clinically appropriate place of isolation given the nature of the suspected disease.

This request shall be in effect until you are deemed non-contagious by the Health Department and therefore no longer pose a substantial threat to the health of the public. It is anticipated that you will need to be isolated for at least _____ to verify a diagnosis and render you non-contagious provided you start and respond to treatment.

During this period you will be asked to undergo a medical exam and bodily specimens may be requested for analysis. In addition, we ask that you accept any treatment recommended by your health care providers. Failure to accept treatment may significantly increase the duration of isolation and may require the Health Department to issue an order compelling treatment as authorized under PA 368, MCL 333.2451, 2453, 2465, & 5201-5210.

If you leave the designated place of isolation without the prior consent of the Health Department, court action may be initiated as authorized under PA 368, MCL 333.2451, 2453, & 2465 to have you taken into custody by law enforcement officials and returned to the place of isolation.

Thank you for your cooperation to help prevent spread of this contagious disease. Fact sheets on this disease may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this request may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer
District Health Department #10

_____ Date



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INDIVIDUAL REQUEST FOR VOLUNTARY QUARANTINE

This request is made pursuant to Sections 2451 and 2453 of the Michigan Public Health Code, being MCL 333.2451 and 333.2453.

To: _____

Address: _____

District Health Department #10 has reason to suspect that you have come in contact with a person who has a contagious disease and, hence, that you may have or develop this disease. Specifically, you are suspected of having come into contact with a person who has _____

If you were to have this disease you would pose a substantial threat to the health of the community. In order to prevent transmission of this contagious disease, the Health Department requests that you voluntarily place yourself in quarantine.

Quarantine means that you should not come into contact with other people. This will help protect your health and the health of others. The location where you are asked to be quarantined is:

The Health Department considers this to be the least restrictive clinically appropriate place of quarantine given the nature of the disease with which you may have come into contact.

This request shall be in effect until you are deemed non-contagious by the Health Department and therefore do not pose a substantial threat to the health of the public. It is anticipated that you will need to be quarantined for at least _____ to verify whether you have this contagious disease.

During this period you may be asked to undergo a medical exam and bodily specimens may be requested for analysis.

If you do not comply with this request for voluntary quarantine, the Health Department may issue a detention order in accordance with PA 368, MCL 333.2451, 2453, 2465, & 5201-5210 enforceable by the courts to secure your compliance.

Thank you for your cooperation to help prevent spread of this contagious disease. Fact sheets on this disease may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this request may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer
District Health Department #10

Date



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**Notice of Circuit/Family Court Hearing
Regarding Failure to Comply with a Warning Notice**

To: _____ Date: _____

Address: _____

District Health Department #10 is aware that you are infected with _____, which is a serious communicable disease.

District Health Department #10 has reason to believe that you represent a health threat to others by reported _____

You have failed to cooperate with District Health Department #10 in the department's efforts to control transmission of this infection by failing or refusing to comply with a Warning Notice issued to you on _____ (date)

Therefore, District Health Department #10 is seeking an order from the Circuit/Family Court of _____ County to enforce your cooperation with procedures deemed necessary to prevent and control the transmission of _____

A hearing has been set for _____ at _____ (date) (time)
at the _____ County Circuit/Family Court, located at _____ (county)
_____ (address)

You have the right to appear at the hearing, to present and cross-examine witnesses, and have an attorney. If you cannot afford counsel, the Circuit/Family Court shall appoint an attorney to act on your behalf. You have the right to waive notice of hearing and upon filing of the waiver, the Circuit/Family Court may conduct the hearing immediately.

Fact sheets on many health conditions may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this order may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer
District Health Department #10

Date



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**NOTICE OF RESCISSION OF
EMERGENCY PUBLIC HEALTH ORDER**

To: _____

Address: _____

District Health Department #10 hereby rescinds the following Emergency Public Health Order, made pursuant to the Michigan Public Health Code, MCL 333.2451, 333.2453, 333.2455, and issued on the date of _____ :

- Imminent Danger and Corrective Action
- Control of Epidemic
- Abate Nuisance
- Individual Request or Order of Isolation
- Individual Request or Order of Quarantine
- Prohibit Public Gathering and/or Close Facility

The Health Department has determined that the condition, practice, or epidemic causing harm or threat to the health of the public for which the order was issued has been corrected, removed, or otherwise ameliorated.

As a result of this rescission, the following activities are now permitted: _____

Fact sheets on many health conditions may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
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Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this order may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer
District Health Department #10

Date



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**EMERGENCY PUBLIC HEALTH ORDER:
PROHIBIT PUBLIC GATHERING and/or CLOSE FACILITY**

This order is made pursuant to Sections 2451 and 2453 of the Michigan Public Health Code, being MCL 333.2451 and 333.2453.

To: _____

Address: _____

District Health Department #10 has determined that the current epidemic of the infectious disease:

_____ has caused an imminent danger to the health and lives of people living within the following area:

_____ Anyone infected with this disease poses a substantial threat to the health of the community, because contact with an infected person greatly increases the chance that the illness will spread to others. Due to this situation, District Health Department #10 prohibits the gathering of individuals within the following location(s) for any purpose:

_____ This order shall be in effect until the epidemic naturally subsides, enough medication/vaccine has been distributed to the affected population, and/or appropriate environmental controls have been implemented to significantly reduce the threat to the health of the public. It is anticipated that this order will be in place for approximately _____ (days/weeks). During this period, it may also be necessary for District Health Department #10 to institute additional disease containment measures.

In accordance with PA 368, MCL 333.2451 and 2453, you must obey this order to prohibit public gatherings, and you must post this notice in a prominent location at the site(s), or the Health Department will seek a court order to compel compliance.

Thank you for your cooperation to help prevent the spread of this contagious disease. Fact sheets on this disease may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
Oceana County:	231-873-2193	Wexford County:	231-775-9942

Any questions regarding this order may be directed to Linda VanGills, Health Officer, at 231-873-2193.

Signature of Health Officer, District Health Department #10

Date



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PROOF OF SERVICE OF WARNING NOTICE

The attached **Warning Notice** was served on _____
(name of individual)

by _____ on _____
(personal service or registered mail, return receipt requested) (date)

by the undersigned individual, who is employed by District Health Department #10.

Date: _____ Staff Signature: _____

Print Name: _____

Fact sheets on many health conditions may be found at www.cdc.gov. You may also call your local county office of District Health Department #10:

Crawford County:	989-348-7800	Kalkaska County:	231-258-8669
Lake County:	231-745-4663	Manistee County:	231-723-3595
Mason County:	231-845-7381	Mecosta County:	231-592-0130
Missaukee County:	231-839-7167	Newaygo County:	231-689-7300
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RECALCITRANT INTERVIEW

Name of Client: _____

Date of Interview: _____

Name of Interviewer: _____

1. Was a review of safe behaviors reviewed with the client? _____ Yes _____ No

If not, why not? _____

Did the client appear to understand and comprehend the instructions? _____

2. Were the reasons for safe behaviors reviewed thoroughly with the client? _____ Yes _____ No

If not, why not? _____

Did the client appear to understand and comprehend the instructions? _____

3. Was the client informed of the legal requirement to comply with the safe behavior recommendations?

_____ Yes _____ No

If not, why not? _____

Did the client appear to understand and comprehend the instructions? _____

4. Was the client advised of the actions that would be taken if they failed to comply with the safe behavior recommendations? _____ Yes _____ No

If not, why not? _____

Did the client appear to understand and comprehend the instructions? _____



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**EMERGENCY PUBLIC HEALTH ORDER:
WARNING NOTICE**

This Warning Notice is made pursuant to Sections 2453 and 5201-5205 of the Michigan Public Health Code, being MCL 333.2453 and 333.5201-5205.

To: _____

Address: _____

District Health Department #10 is aware that you are infected with _____

This is a serious communicable disease that, when spread from person to person, poses a substantial threat to the health of the community. The Health Department has determined that you present a health threat to others because of the following behavior(s): _____

In accordance with PA 368, MCL 333.2453 and 333.5201-5205, you are hereby required to cooperate fully with the Health Department in its efforts to prevent or control the spread of this disease/infection. Therefore, you must abide by the following directives:

- Within 24 hours of receipt of this letter, present yourself to the _____ County office of District Health Department #10, located at _____ at _____ (am/pm) on _____ (date) to receive education, counseling, and/or further directions.
- Undergo necessary medical testing as directed by the Health Officer or designee of the Health Department.
- Cease and desist from the following behaviors that put others at risk of infection: _____

Be advised that if you fail to comply with these directives or any others presented to you by the Health Department, a court order will be sought to compel your compliance in accordance with MCL 333.2453 and MCL 5201-5205. You are also advised that except in the case of an emergency, you have the right to a notice and hearing before the court issues an order.

If you are unable to keep the above scheduled appointment, or if have any questions, you must contact _____ at the following phone number: _____

Fact sheets on this disease may be found at www.cdc.gov.

Signature of Health Officer
District Health Department #10

Date