

Chapter 173: COMMUNICABLE DISEASE

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§ 173.01 TITLE

This chapter and all ordinances supplemental or amendatory hereto shall be known as the "Communicable Disease Regulations of the City of Fishers" and may be cited as such and will be referred to herein as "this chapter".

§173.02 AUTHORITY

The Health Officer, and the Health Officer's agents and representatives are hereby authorized to issue permits, collect permit and incidental fees, perform inspections, order or otherwise compel correction of violations of this chapter, and are otherwise authorized to perform all actions necessary for the administration and enforcement of this chapter.

§ 173.03 ADOPTION OF REGULATIONS BY REFERENCE

The regulations of the Indiana State Department of Health as found in 410 IAC 1 *et. seq.*, as may be amended from time to time, are hereby adopted and incorporated by reference into this chapter.

§ 173.04 DEFINITIONS

Undefined terms shall have the meaning prescribed to them by 410 IAC 1 *et. seq.* In addition to or to otherwise supplement or to conveniently provide definitions for interpretation, this chapter shall include the following definitions:

- A. "Board" shall mean the City of Fishers Board of Health.
- B. "Carrier" means a person who harbors a specific infectious agent without discernible clinical disease and serves as a potential source of infection.
- C. "Case" means a person who harbors a communicable disease, usually in the presence of discernible clinical disease, symptoms, or signs and may serve as a potential source of infection. Specific case definitions will be as defined in the most recent publication of "Case Conditions Under Public Health Surveillance", *Morbidity and Mortality Weekly Report, Recommendations and Reports* from the Centers for Disease Control and Prevention (CDC) and are incorporated by reference into this rule.
- D. "Communicable disease" means an illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal, arthropod, or inanimate reservoir to a susceptible host, either directly or indirectly, through an intermediate plant or animal host, vector, or the inanimate environment.
- E. "Contact" means a person or animal that has been in association with an infected person or animal, or a contaminated environment that is likely to provide an opportunity to acquire the infection.
- F. "Department" shall mean the Fishers Health Department, and its employees.

- G. “Emerging infectious diseases” means disease that may arise suddenly and/or unexpectedly, including disease caused by antibiotic-resistant organisms.
- H. “Health care worker” means a person who provides services whether as an individual health care provider, volunteer, or student at or employee of a health care facility.
- I. “Health Officer” shall mean the Health Officer of the Fishers Health Department and her authorized representatives.
- J. “High risk sexual conduct” means unprotected sex with an individual or a group of individuals with multiple partners.
- K. “Latent Tuberculosis Infection” (LTBI) means infection with the tubercle bacillus (the causative agent of tuberculosis) as evidenced by a positive tuberculin skin test but having no evidence of active tuberculosis disease (i.e., clinical, radiological, and/or microbiological).
- L. “Medical laboratory” means an entity that engages in the biological, microbiological, serological, chemical, immuno-hematological, radioimmunological, hematological, cytological, pathological, or other examination of materials derived from the human body for the detection, diagnosis, prevention, or treatment of any disease, infection, or impairment, or the assessment of human health.
- M. “Outbreak” means cases of disease occurring in a community, region, or particular population at a rate clearly in excess of that which is normally expected.
- N. “Quarantine” means the restriction of the activities or confinement of well persons or animals who have, or may have been exposed to a case of communicable disease during its period of communicability to prevent disease transmission during the incubation period, if infection should occur.
- O. “Restriction of activities” means limitations placed on the activities of persons with disease or infection to prevent transmission of communicable diseases to other individuals.
- P. “Serious and present danger to health” means one (1) or more of the following:
(A) repeated behavior by a carrier or case that has been demonstrated epidemiologically to transmit, or evidences a careless disregard for the transmission of the disease to others;
(B) a substantial likelihood that a carrier or case will repeatedly transmit the disease to others as is evidenced by that individual’s past behavior, or by statements of the individual that are credible indicators of the individual’s intention;
(C) affirmative misrepresentation by a carrier of his or her carrier status prior to engaging in any behavior that has been epidemiologically demonstrated to transmit the disease, or
(D) failure or refusal to carry out the carrier’s or case’s duty to warn under Ind. Code § 16-41-7-1.

- Q. "Suspect case" means a person whose medical history, signs, and symptoms suggest that this person may be incubating or may be actively infected with some communicable disease.

§ 173.05 REPORT OF COMMUNICABLE DISEASES

It shall be the duty of each (1) physician licensed under Ind. Code §25-22.5; and (2) administrator of a hospital licensed under Ind. Code §16-21, or the administrator's representative; to report all cases and suspected cases of the diseases listed in 410 IAC 1-2.5-75, as amended to the Department in the manner prescribed by 410 IAC 1-2.5-75.

§ 173.06 OUTBREAKS

Outbreaks of any of the following shall be reported immediately upon suspicion: (1) Any disease required to be reported under this section; (2) Diarrhea of the newborn (in hospitals or other institutions); (3) Foodborne or waterborne diseases in addition to those specified by name in this rule; (4) Streptococcal illnesses; (5) Conjunctivitis; (6) Impetigo; (7) Nosocomial disease within hospitals and health care facilities; (8) Influenza-like illness; (9) Viral meningitis; (10) Unusual occurrence of disease; (11) Any disease, including, but not limited to: (A) anthrax; (B) plague; (C) tularemia; (D) Brucella species; (E) smallpox; (F) botulism; or (G) multiple drug-resistant tuberculosis; (12) Chemical illness that is considered: (A) a bioterrorism threat; (B) an importation; or (C) a laboratory release, all as further specified by 410 IAC 1-2.5-75, as amended.

The Health Officer may declare an emergency to include mandatory reporting of emerging infectious diseases.

§173.07 LABORATORY REPORT OF COMMUNICABLE DISEASE

Each director, or the director's representative, of a medical laboratory in which examination of any specimen derived from the human body yields microscopic, bacteriologic, immunologic, serologic, or other evidence of infection by any of the organisms or agents listed in 410 IAC 1-2.5-76(d), as amended, shall report the findings and any other epidemiologically necessary information to the Department, all as further specified by 410 IAC 1 *et. seq.*

§ 173.08 DISEASE CONTROL AND PREVENTION MEASURES

- A. Upon receipt of a report of a communicable disease case, it shall be the duty of the Health Officer to institute reasonable measures for the protection of other persons from infection by such afflicted person.
- B. The Health Officer may establish quarantine of well individuals and may do what is reasonable and necessary for the prevention and suppression of disease.
- C. The Health Officer may place restrictions upon the movement of infected individuals (cases or carriers) as may be necessary to prevent the spread of disease.
- D. No one except the Health Officer, or the State Health Commissioner, shall terminate said quarantine or restriction of activities, and this shall not be done until the diseased person

has become non-infectious, as determined through clinical examination and all necessary laboratory tests.

- E. The Health Officer may forbid public gatherings when considered necessary to prevent and stop the spread of disease.
- F. The Health Officer shall make an attempt to seek cooperation of cases, carriers, contacts, or suspect cases to implement the least restrictive, but medically necessary, procedures to protect the public's health. Those procedures may include, but not be limited to:
 - 1. participate in a designated education, counseling, or treatment program;
 - 2. undergo confirmatory testing;
 - 3. undergo medically accepted tests, examinations or treatments (preventive or therapeutic) that are consistent with standard medical practice as necessary to make the case or carrier noninfectious;
 - 4. notify or appear before designated health officials for verification of disease status at periodic times;
 - 5. cease and desist conduct that constitutes a health threat to others;
 - 6. notify or identify individuals who may have been exposed to the communicable disease;
 - 7. be monitored by an electronic monitoring device to prevent activities that constitute a health threat to others;
 - 8. live part-time or full-time in a supervised setting;
 - 9. be confined to an appropriate hospital, home, apartment, or other institutional facility or residential setting; or
 - 10. comply with any combination of the remedies under this subdivision considered appropriate by the Health Officer.

In addition, the Health Officer will ensure that individuals diagnosed with HIV/AIDS or hepatitis B are informed of their duty to warn or cause to be warned by a third party past, present and future sexual and needle sharing partners. The warning must include the individual's disease status and the need to seek health care such as counseling and testing.

- G. Nothing contained in this chapter shall be construed to abridge the powers of the Health Officer or State Health Commissioner to establish quarantine or restriction of activities, as provided by law, for the purpose of preventing the spread of communicable disease.
- H. In addition to the powers otherwise set forth in these articles, in order to ascertain the source of infection and reduce the spread of the same, the Health Officer shall have full power and authority to inspect, or cause to be inspected any commercial building, structure or premises, or any part thereof, which may be a site of high-risk sexual conduct. Any such location shall hereinafter be referred to as a "hazardous site." In the event the Health Officer determines there exists a hazardous site, the Health Officer shall declare the same a public health hazard and public health nuisance and order either: (i) abatement thereof, which shall be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction; or (ii) the closure of the site until the hazard is eradicated.

§ 173.09 ENFORCEMENT

It shall be the duty of the Health Officer to enforce the provisions of this chapter. A violation of an order issued by the Health Officer shall be considered to be a violation of this chapter and of Indiana law, when applicable.

§ 173.10 VIOLATIONS

Whenever the Health Officer determines that any entity subject to the provisions of this chapter, is in willful violation of any of the provisions of this chapter, in addition to any other remedy or penalty imposed by this chapter, the Health Officer shall furnish evidence of said willful violation to the City Attorney or Prosecuting Attorney of Hamilton County, Indiana who shall seek all appropriate legal remedies against the person(s) violating the provisions of this chapter.

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