

## TITLE 10. HEALTH, SAFETY, AND WELFARE

### Chapter 10.11

#### COMMUNICABLE DISEASE

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**10.11.1. Purpose.** The purpose of this chapter is to exercise the Suquamish Tribe's sovereignty and inherent power to prevent and control communicable disease by responding to potential public health emergencies through formal declarations and triggering of special public health powers during an emergency. The intent of this Chapter is to protect and promote the health of Suquamish tribal members, the tribal community, and Suquamish government and enterprise employees to the greatest extent possible through the Suquamish Tribe's public health capabilities while respecting individual rights to dignity, health information privacy, due process, and other legally-protected interests. (Res. 2020-191, passed Nov. 23, 2020)

**10.11.2. Governing Law: Sovereignty.** All rights and liabilities that come with enacting this chapter, or the responsibilities and duties under this chapter, will be construed and enforced according to the Tribe's laws and applicable federal law. Nothing in this chapter, or related policies and procedures adopted to implement it, will be construed to make any laws or regulations apply to the Tribe which otherwise do not apply to the Tribe or from which the Tribe is entitled from exemption because of its sovereign status. (Res. 2020-191, passed Nov. 23, 2020)

**10.11.3. Definitions.** For purposes of this chapter, the following words and phrases will have the meanings set forth below.

(a) "Authorized Tribal Public Health Officer" as used in this chapter means a person designated by the Suquamish Tribal Council, with public health and/or medical expertise, to advise and carry out the legal mandates of this chapter and directive related to medical and public health issues.

(b) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care professional and/or provider with a diagnosis based on clinical or laboratory criteria or both.

(c) "Communicable disease" means an illness caused by an infectious agent

which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(d) "Contact" means a person who may have been exposed to an infected person, animal, or contaminated environment that may lead to infection.

(e) "Contaminated" or "contamination" means containing or having exposure with infectious agents or chemical or radiological materials that pose an immediate threat to present or future public health.

(d) "Contamination control measures" means the management of persons, animals, goods, and facilities that are contaminated, or suspected to be contaminated, in a manner to avoid human exposure to the contaminant, prevent the contaminant from spreading, and/or effect decontamination.

(e) "Detention" as used in this chapter means the physical restriction of activities of an individual by confinement for the purpose of controlling or preventing a serious and imminent threat to public health.

(f) "Disease of suspected bioterrorism origin" means a disease caused by viruses, bacteria, fungi, or toxins from living organisms that are used by man to intentionally produce death or disease in humans, animals, or plants. Many of these diseases may have nonspecific presenting symptoms.

(g) "Disease control measures" means the management of persons, animals, goods, and facilities that are infected with, suspected to be infected with, exposed to, or suspected to be exposed to an infectious agent in a manner to prevent transmission of the infectious agent to humans.

(h) "Health care facility" means any building that is used, operated, or designed to provide health services, medical treatment, behavioral health services, dental services, nursing, rehabilitative, or preventive care.

(i) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.

(j) "Isolation" means the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others.

(k) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

(l) "Public health emergency" means an occurrence or imminent threat of an illness or health condition that:

(1) Is believed to be caused by any of the following:

(A) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;

(B) Natural disaster, chemical attack or accidental release, or nuclear release or incident; and

(C) Bioterrorism;

(2) Poses a high probability of any of the following harms:

(A) A large number of deaths in the affected population;

(B) A large number of serious or long-term disabilities in the affected population; and

(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; or

(D) Otherwise exceeding the capability or capacity of the public health and/or healthcare systems.

(m) "Quarantine" means the limitation of freedom of movement of such well persons or animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective exposure with those not so exposed.

(n) "Suspected case" or "suspected to be infected" means an individual the Tribal Public Health Officer, in their professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or exposure to an infected individual, animal, or contaminated environment. (Res. 2020-191, passed Nov. 23, 2020)

**10.11.4. Communicable Disease Emergencies.** A tribal public health emergency may be declared by the Suquamish Tribal Council upon the occurrence of a public health emergency. Prior to such a declaration, the Suquamish Tribal Council may consult with tribal, federal, state and local public health agencies and any additional public health or other experts as needed.

(a) Declaration. A Suquamish Tribe state of a public health emergency will be declared by resolution that specifies:

- (1) The nature of the public health emergency;
- (2) The geographic area subject to the declaration;
- (3) The conditions that have brought about the public health emergency;
- (4) The duration of the state of the public health emergency, if less than thirty (30) days; and
- (5) The authorized Tribal Public Health Officer responding to the emergency.

(b) Effect of the Declaration. The declaration of tribal public health emergency will activate the response and recovery aspects of the tribal disaster emergency plans. Such declaration authorizes the deployment and use of any forces to which the plans apply and the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or available pursuant to this section.

(c) Emergency Powers. During a tribal public health emergency, the Suquamish Tribal Council may:

(1) Suspend the provisions of any tribal policies, procedures, and laws prescribing procedures for conducting tribal business, or the orders, rules and regulations of any tribal agency, where strict compliance with the same would prevent, hinder, or delay necessary action (including emergency purchases) to respond to the public health emergency by the Tribal Public Health Officer, or increase the health threat to the population.

(2) Utilize all available resources of the tribal government and its political subdivisions, as reasonably necessary to respond to the public health emergency.

(3) Transfer the direction, personnel, or functions of tribal departments and agencies to perform or facilitate response and recovery programs regarding the public health emergency.

(4) Provide aid to and seek aid from federal, state, and local partners.

(d) Termination of Tribal Public Health Emergency Declaration. The Authorized Tribal Public Health Officer will assist the Suquamish Tribal Council based on findings that the circumstances or conditions that caused the public emergency no longer exists. At the appropriate time, the Suquamish Tribal Council will declare, or delegate

termination declaration authority, by and through an approved resolution that the tribal public health emergency is terminated. (Res. 2020-191, passed Nov. 23, 2020)

**10.11.5. Authorized Tribal Public Health Officer.** (a) The Tribal Public Health Officer is authorized to use the powers and procedures set forth by an approved Suquamish Tribal Council resolution and the provisions under this chapter to prevent the spread of communicable diseases and to protect the health and safety of Suquamish Tribal community members and the Suquamish Tribe's governmental employees and business entities.

The Tribal Health Officer has the authority to:

- (1) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;
- (2) Require any person suspected of having a notifiable condition to submit to examinations required to determine the presence of the condition;
- (3) Require any person to submit to examinations required to determine the presence of blood borne pathogens or pathogens transmitted by other bodily fluids, if another person has been exposed to their blood or other bodily fluids;
- (4) Require testing or medical examination of any individual who has or may have been exposed to a communicable disease that poses a significant risk to public health;
- (5) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary;
- (6) Require the notification of additional conditions of public health importance occurring within the Tribe's jurisdiction;
- (7) Conduct investigations and institute control measures; and
- (8) Coordinate with and report to local, state, or federal agencies or tribal organizations providing epidemiological services regarding any notifiable conditions.

(b) The Tribal Public Health Officer will, when necessary, conduct and/or delegate and direct investigations and institute disease control and contamination control measures, including medical examination, testing, counseling, treatment, vaccination, decontamination of persons or animals, isolation, quarantine, vector control, condemnation of food supplies, and inspection and closure of facilities, consistent with those indicated in the current Control of Communicable Diseases Manual published by the American Public Health Association, or other measures they deem necessary based on their professional judgment, current standards of practice

and the best available medical and scientific information.

(c) The Tribal Public Health Officer will establish, in consultation with Suquamish Tribal Council, the Tribe's Emergency Operation Center, health care providers, health facilities, emergency management personnel, tribal law enforcement, and any other entity they deem necessary, plans, policies, and procedures for instituting emergency measures necessary to prevent the spread of communicable disease or contamination.

(d) The Tribal Public Health Officer, with Tribal Council approval, may seek agreements as necessary with local governments, federal authorities, tribal organizations, private entities, state agencies, or institutions of higher education to coordinate or provide public health activities provided in this plan.

(e) The Tribal Public Health Officer will review and determine appropriate action for:

(1) Each reported case or suspected case of a notifiable condition;

(2) Any disease or condition considered a threat to public health; and

(3) Each reported outbreak or suspected outbreak of disease, requesting assistance from local, state, and federal agencies in carrying out investigations when necessary.

(f) The Tribal Public Health Officer will:

(1) Establish a system for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports; and

(2) Notify health care providers, laboratories, and health care facilities within the Suquamish Tribe.

(g) The Tribal Health Officer will establish and maintain confidentiality procedures related to employee handling of all reports of cases and suspected cases, prohibiting disclosure of report information identifying an individual case or suspected cases except:

(1) To employees of the tribal health clinic, another local health department or state health department, or other official agencies needing to know for the purpose of administering the requirements under this chapter; and

(2) To health care providers, specific designees of health care facilities, laboratory directors, and others for the purpose of collecting additional information about a case or suspected case as required for disease prevention and control.

(h) The Tribal Health Officer is authorized to report to the local health department, Washington State Department of Health, the Indian Health Service and/or any other appropriate entity any information concerning a reportable disease or condition, an unusual cluster, or a suspicious event that they reasonably believe has the potential to be caused by, or an indicator of bioterrorism. These may include:

(1) A single diagnosed or strongly suspected case of disease caused by an uncommon agent or a potential agent of bioterrorism occurring in a patient with no known risk factors;

(2) A cluster of patients presenting with a similar syndrome that includes unusual disease characteristics or unusually high morbidity or mortality without obvious etiology; or

(3) Unexplained increase in a common syndrome above seasonally expected levels.

Sharing of information on reportable conditions, unusual clusters, or suspicious events with state and local public health authorities will be restricted to the information necessary for the treatment, control, investigation, and prevention of a public health emergency. (Res. 2020-191, passed Nov. 23, 2020)

**10.11.6. Persons Required to Report a Communicable Disease.** Any person residing or working at the Tribal government or the Tribe's business enterprises is required to report a communicable disease or other condition of public health importance to the Tribal Public Health Officer. Any other person who knows or suspects a case of a reportable disease or condition may provide available information concerning the case to the Tribal Public Health Officer, especially where the case has not been previously reported as required by the Tribal Public Health Officer. (Res. 2020-191, passed Nov. 23, 2020)

**10.11.7. Isolation, Quarantine, and Stay at Home.** The Suquamish Tribal Council has authority to implement measures to decrease the spread of communicable diseases within the Port Madison Indian Reservation. These measures include but are not limited to quarantine, physical isolation, and/or "stay at home" orders for the reservation or for a person or groups of persons when quarantine, physical isolation and/or "stay at home" orders are necessary to prevent serious risk to health and safety of the Suquamish community. The authorized Tribal Public Health Officer has authority to issue and obtain orders for compliance of communicable disease containment measures in accordance with this chapter.

(a) The Tribal Public Health Officer may, by and through the Suquamish Tribe's Office of the Tribal Attorney, issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of detention, isolation, or quarantine or may petition the Suquamish Tribal Court for an ex parte emergency "stay at home," detention, isolation, or quarantine order, provided that he or she:

(1) Has made reasonable effort to gain voluntary compliance with a “stay at home” mandate, or an isolation or quarantine request; or has determined that seeking voluntary compliance would create a risk of serious harm to any person; and

(2) Has reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to contaminate others if remedial action is not taken; and

(3) Has reason to believe that the person or group of persons would pose a serious and immediate risk to the health and safety of others if not detained for purposes of isolation, quarantine, or complying with a “stay at home” mandate.

(b) If the Tribal Public Health Officer orders the immediate involuntary detention of a person or persons for purposes of isolation, quarantine, or complying with a “stay at home” mandate, the emergency detention order will be for a period not to exceed fourteen (14) days and will specify:

(1) The identity of all persons or groups subject to isolation and quarantine;

(2) The premises subject to isolation and quarantine;

(3) The date and time at which isolation or quarantine begins and ends;

(4) The suspected communicable disease or infectious agent if known;

(5) The measures taken by the Tribal Public Health Officer to seek voluntary compliance;

(6) The medical basis on which the isolation or quarantine is justified; and

(7) Notice to the person or group of persons that they have a right to petition the Suquamish Tribal Court for release from isolation or quarantine.

(c) If the Tribal Public Health Officer, by and through the Office of the Tribal Attorney, petitions the Suquamish Tribal Court ex parte for an order authorizing detention of a persons or group of persons for purpose of isolation, quarantine, or complying with a “stay at home” mandate, the petition will be accompanied by the declaration of the Tribal Public Health Officer attesting to the facts included in the petition together with any further information that may be relevant and material to the Court’s consideration. The information included in the petition will be substantially similar to what is required in the Tribal Public Health Officer orders and include anticipated duration of isolation or quarantine based on the suspected communicable



disease or infectious agent, if known. Notice to persons or group of person will be served individually by regular mail and by posting notice at the known residence(s) in a conspicuous place. The Court will issue the emergency “stay at home” or quarantine detention order for purposes of isolation, quarantine, or compliance with the order if there is a reasonable basis to find that an emergency quarantine, detention, isolation, or a “stay at home” order is necessary to prevent a serious and imminent risk to the health and safety of others. This order may be authorized for up to fourteen (14) days or longer, if there is a justifiable medical basis to extend the time frame.

(d) The Court will hold a hearing within seventy-two (72) hours, or a date set based on a medical justification, to determine whether the emergency order should be vacated, modified, or maintained. The restrained party or parties may be represented by an attorney at their expense. Any party may appear telephonically and/or by video conference.

(e) Service of orders under this chapter will be completed by mail to the last known address or by affixing the order to the person’s dwelling. The Court may also order service by any other reasonable method the Court deems effective so long as it does not involve direct contact with the person(s).

(f) Suquamish Tribal Court orders issued pursuant to this chapter will have the same enforceability as other orders of the Suquamish Tribal Court. Violation of such an order is a civil infraction with a fine of up to one thousand dollars (\$1,000), or up to five hundred dollars (\$500) per day in the case of a continuing infraction. (Res. 2020-191, passed Nov. 23, 2020)