

LEGAL PROCESSES FOR TB PATIENTS IN VIRGINIA

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TODAY'S PRESENTATION

- The basics: isolation vs. quarantine
- The tale of the travelling TB patient
- Federal powers for isolation and quarantine
- A slightly different Federal approach
 - Do Not Board
 - Public Health Lookout
- State powers for isolation and quarantine

ISOLATION VS. QUARANTINE

- Isolation

- Ill individual diagnosed with communicable disease
- Restrict movement/keep away from others
- Prevents transmission of disease from ill person to others

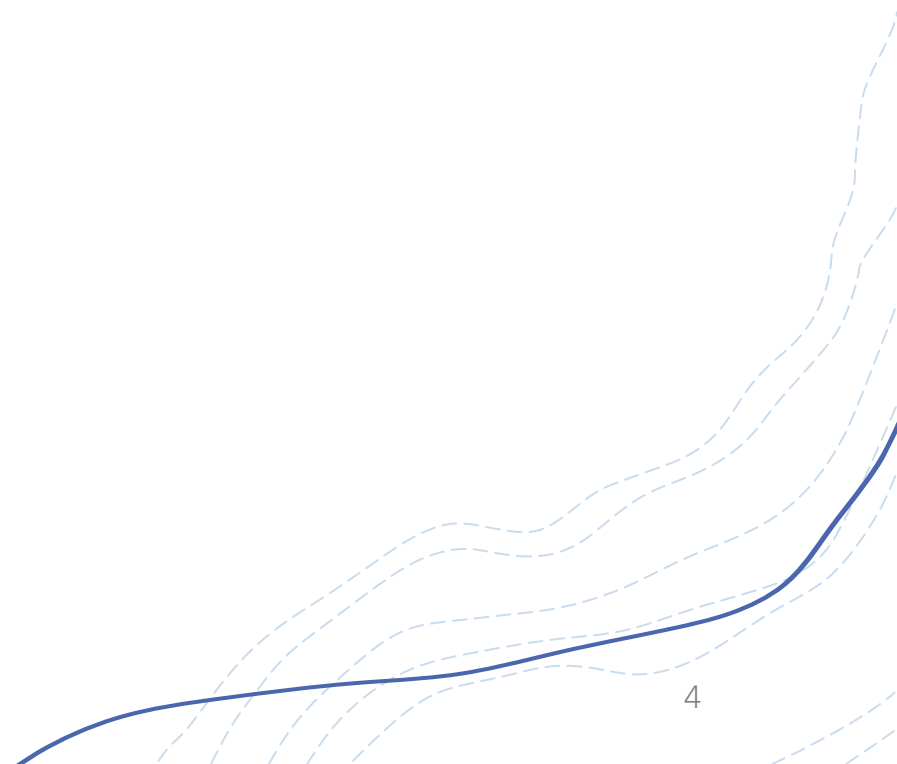
- Quarantine

- Healthy individual with known exposure to person(s) diagnosed with communicable disease who could become ill
- Restrict movement/keep away from others during incubation period
- Prevents transmission of disease by eliminating contact with other susceptible individuals

STORY TIME!

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Presentation title



THE TALE OF THE TRAVELING TB PATIENT

- Georgia resident sought medical evaluation following a fall and subsequent injury in early March, 2007
 - Healthy, asymptomatic male in early 30s
 - Medical imaging discovered mass on lung, TB included in differential
 - Bronch specimens smear negative, sent for culture
- Cultures returned positive, patient started therapy
- Local health department assumes case management
 - Counseled against traveling
 - Collected additional sputum sample which showed resistance to first line drugs
 - Additional testing needed to determine extent of resistance

THE TALE OF THE TRAVELING TB PATIENT

- May 12: Patient leaves the United States with his fiancé
 - US → Paris → Greece for wedding
 - Greece → Rome for honeymoon
- Meanwhile, diagnosis is confirmed: not just TB, XDR-TB!
- Phone call to patient with request to return to US via private flight or to remain in Italy and begin treatment there
- Patient flew from Rome → Prague → Montreal; drove back to US via car
 - Passed through customs at border despite flag on his passport to detain him

THE TALE OF THE TRAVELING TB PATIENT

- CDC invoked involuntary order of isolation, patient intercepted while driving through New York
- Detained and held in NY hospital
 - First use of Federal isolation powers since 1963
- Subsequently moved to Grady Hospital in Atlanta and then National Jewish Medical Center in Denver for treatment
- Further testing showed case was not XDR-TB, just MDR-TB
- Patient underwent surgery, completed treatment, and was released from isolation

FEDERAL ISOLATION/QUARANTINE POWERS

- Authorized for certain diseases, including plague, smallpox, viral hemorrhagic fevers, and active TB
- Ability to issue orders is outlined in Section 361 of the Public Health Service Act
 - Secretary of Health and Human Services is authorized to take measures for isolation and quarantine
 - CDC carries out orders as outlined in Code of Federal Regulation
- Not used frequently, because...
 - You catch more flies with honey (e.g. isolation/quarantine orders are a last resort)
 - States/localities typically issue orders if needed as they are more directly involved in case management

BUT THERE ARE OTHER OPTIONS TO CONTROL MOVEMENT

- Do Not Board List
 - Prevents anyone on the list from receiving a boarding pass for flights out of, into, or within United States
 - Must meet certain criteria to be added to list
 - Enforced by Transportation Security Administration (TSA)
- Public Health Lookout
 - Issued for anyone who is placed on the Do Not Board List
 - Alerts Customs and Border Patrol (CPB) upon attempted entry at any port (land, air, or sea)
 - Enforced by CPB

CRITERIA FOR ISSUING A DO NOT BOARD

- Known or believed to be infectious AND one (or more) of the following:
 - Not aware of diagnosis or non-compliant with public health recommendations
 - Likely to travel by plane within the US or internationally
 - Restriction is needed to respond to an outbreak of serious disease or to enforce a public health order

THE PROCESS IN VIRGINIA

- Local health district (LHD) becomes aware of non-compliant patient with potential plans to travel
- LHD calls VDH TB Program and provides information
 - Background on case
 - Labs/other records to confirm diagnosis and infectiousness
- VDH consults with Division of Global Migration and Health (DGMH)
 - DGMH reviews information and determines if order is warranted
- If order is warranted, a conference call is scheduled with DGMH to discuss situation and make a final decision to issue order
- DGMH issues Do Not Board/Public Health Lookout order
 - Patient added to Do Not Board/Public Health Lookout List
 - Patient notified via letter from DGMH that is delivered by LHD

A CAUTIONARY TALE

- Adding someone to the Do Not Board/Public Health Lookout list is often straightforward, but what about removing them?
- A quick case study...
 - Patient non-compliant with DOT, threatened to fly back to country of origin in South America
 - Do Not Board/Public Health Lookout order issued, patient denied boarding
 - Patient has change of heart and decides to become compliant with DOT in hopes to return home
 - DGMH will not remove patient from Do Not Board/Public Health Lookout list until certain criteria are met
 - Patient (and LHD) frustrated by need for additional treatment

IN SUMMARY, FROM THE FEDERAL LEVEL

- Orders of isolation and quarantine can be issued by the Federal government, but are rarely used
 - Most isolation/quarantine orders happen at the state or local level
- Other options exist!
 - Do Not Board/Public Health Lookout
- Use caution when placing patients on these lists as they can be a double-edged sword

BUT WHAT ABOUT VIRGINIA'S STATE-SPECIFIC ISOLATION AND QUARANTINE PROCESS?

- I'm glad you asked!
- Now to Robin, with the inside scoop...
- But before we go, any questions?

