

# JUSTIA

## Code of Massachusetts Regulations 105 CMR - DEPARTMENT OF PUBLIC HEALTH

### Title 105 CMR 300.000 - Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements Section 300.210 - Procedures for Isolation and Quarantine

**Universal Citation:** 105 MA Code of Regs 105.300

Current through Register 1504, September 15, 2023

(A) Scope.

(1) The Department through an authorized agent shall, and local boards of health are encouraged to strongly comply with the provisions of 105 CMR 300.210(B) through (I) when implementing isolation or quarantine.

(2) The procedures set forth in 105 CMR 300.210(B) through (I) are applicable to isolation and quarantine of persons in the population at large, but do not apply to persons in the custody of correctional facilities operated by the Department of Correction, persons in the custody of county houses of correction, persons in the custody of city or town jails, or to youth detained by or committed to the Department of Youth Services.

(3) Notwithstanding 105 CMR 300.210(A)(1) and (2), the Department and local boards of health shall follow the procedures set forth in M.G.L. c. 111, §§ 94A through

94H when isolating individuals with active tuberculosis who are unwilling or unable to accept proper medical treatment and who thereby pose a serious danger to public health.

(B) General.

(1) Voluntary Compliance.

(a) Before using mandatory measures, the Department or local board of health shall educate the individual or group about the reasons and requirements for isolation or quarantine, and shall attempt to secure voluntary compliance.

(b) When an individual or group agrees to comply voluntarily with isolation or quarantine, no written or oral order shall be necessary.

(2) Least Restrictive Setting. Isolation or quarantine shall take place in the least restrictive setting that complies with the requirements of 105 CMR 300.200.

(3) Types of Orders. Orders for isolation and quarantine may include, but are not limited to, restricting individuals or groups from being present in certain places including but not limited to school or workplace; restriction to residence and/or workplace; and confinement in other private or public premises. Such other premises shall not include a jail, prison, or other correctional facility.

(4) Time Period of Order. An order that has not expired shall be rescinded when the individual or group no longer poses a serious danger to public health.

(C) Written Order.

(1) The Department or local board of health may issue a written order of isolation or quarantine to an individual or group of individuals as authorized by 105 CMR 300.000.

(2) A copy of the written order shall be provided to the individual to be isolated or quarantined. If the order applies to a group of individuals and it is impractical to provide individual copies, the order may be posted in a conspicuous place in the isolation or quarantine premises.

(D) Temporary Isolation or Quarantine through Oral Order.

(1) The Department or local board of health may temporarily isolate or quarantine an individual or group of people as authorized by 105 CMR 300.000 through an oral

order only if delay in imposing the isolation or quarantine would pose a serious, imminent danger to the public health.

(2) The individual or group shall be orally informed that the order may be appealed by telephoning a specified health official issuing the order at a stated telephone number.

(3) If an oral order is issued, a written order shall be issued as soon as is reasonably possible, but in no event later than 24 hours following the issuance of the oral order.

(4) An individual or group subject to an oral order of isolation or quarantine may appeal the order by following the procedures specified in 105 CMR 300.210(F).

(E) Further Requirements.

(1) Contents of Written or Oral Order. The written or oral order of isolation or quarantine shall include the following.

(a) The identity of the individual or description of the group of individuals subject to isolation or quarantine;

(b) The date and time at which isolation or quarantine will commence and the duration of the isolation or quarantine period;

(c) The reason for which isolation or quarantine is being ordered;

(d) The place of isolation or quarantine;

(e) Any special instructions or precautions that should be taken;

(f) The legal authority under which the order is issued; and

(g) A statement advising the individual or group that the order may be appealed by contacting a designated health official at a telephone number stated in the order.

(2) If an individual or group is isolated or quarantined in a location other than their residences, the Department or local board of health must obtain an order of the Superior Court authorizing the isolation or quarantine as soon as practicable, but in no event later than ten days following the commencement of isolation or quarantine

(F) Appeal of Written or Oral Order.

(1) An individual or group subject to an order of isolation or quarantine may appeal the order by contacting a specified health official at a telephone number stated on the written order or provided orally at the time that the oral order is issued.

(2) An individual or group subject to an order of isolation or quarantine may file a petition in Superior Court challenging the order at any time.

(3) Unless rescinded by order of the Department or local board of health or a court, the order for isolation or quarantine shall remain in force and effect until any appeal is finally determined.

(G) Enforcement of Written or Oral Order.

(1) The Department or local board of health shall take all reasonable measures to minimize the risk of exposure to disease of police officers and others assisting with enforcement of an isolation or quarantine order.

(2) If an order for isolation or quarantine is violated, the Department or local board of health may apply to a judge of the Superior Court for an order to enforce the isolation or quarantine in a manner that will protect the public health.

(H) Requirements for Isolation or Quarantine.

(1) The Department or local board of health shall ensure that the following requirements are met, whether an individual or group is isolated or quarantined in their residences or in a place other than their residences.

(a) The health status of isolated or quarantined individuals shall be monitored regularly to determine if they require continued isolation or quarantine.

(b) The needs of individuals isolated or quarantined shall be addressed in a systematic and competent fashion, including, but not limited to, providing adequate food, medication, competent medical care, and crisis counseling or other mental health services when needed.

(c) To the extent possible, cultural and religious beliefs and existing disabilities shall be considered in addressing the needs of individuals.

(2) The Department or local board of health shall ensure that the following requirements are met when an individual or group is isolated or quarantined in a place other than their residences.

- (a) Isolated individuals shall be confined separately from quarantined individuals.
- (b) If a quarantined individual subsequently acquires or is reasonably believed to have acquired a disease or condition for which isolation is necessary to protect the public health, he or she shall promptly be removed to isolation.
- (c) Individuals isolated or quarantined shall be provided adequate clothing, food, shelter, and means of communication with persons outside isolation or quarantine.
- (d) Premises used for isolation and quarantine shall be maintained in a safe and hygienic manner and shall be designed to minimize the likelihood of further transmission of infection or other harms to individuals isolated and quarantined.
- (e) The Department or local board of health may authorize physicians, health care workers, mental health workers, personal care attendants, parents or guardians of minor children, and others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals. Individuals who use service animals shall be allowed to bring them into the isolation or quarantine premises.
- (f) No individual other than an authorized individual shall enter isolation or quarantine premises. Any individual entering isolation or quarantine premises with or without authorization may be isolated or quarantined.

(I) Isolation or Quarantine of People in a Geographical Area.

- (1) The Department or local board of health may order the isolation or quarantine of all people in a geographical area that poses a serious danger to public health, when such isolation or quarantine is reasonably believed to be necessary to prevent the immediate spread of a dangerous disease to people outside the area. Such isolation or quarantine shall be implemented by means of a written order as provided in 105 CMR 300.210(C).
- (2) The Department or local board of health shall use all reasonable means of communication to inform individuals in the area of orders and instructions in effect during the period of isolation or quarantine of people in the area. At a minimum, such communication shall include posting notices in places where people in and approaching the area are reasonably likely to see them, and publishing a notice in a

newspaper of general circulation in the area at least once each week during the isolation or quarantine period, which notices shall state the orders and instructions in force with a brief explanation of their meaning and effect.

(3) The Department or local board of health shall terminate the isolation or quarantine of all people in an area when the area no longer poses a serious danger to public health.

(4) Any individual in the area subject to an order of isolation or quarantine may appeal the order as provided in 105 CMR 300.210(F).

Amended by Mass Register Issue S1331, eff. 1/27/2017.

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