



# STORY COUNTY BOARD OF HEALTH

TENTATIVE AGENDA  
TUESDAY, March 24, 2020  
6:00 PM

Public Meeting Room\* - Story County Administration (900 6th Street) – Nevada, Iowa

## **SPECIAL NOTE TO THE PUBLIC:**

***Due to recommendations to limit gatherings to no more than ten (10) people in order to help slow the spread of the COVID-19 virus, public access to the meeting will be provided via conference call to listen to the meeting. Members of the public who would like to call in: Dial 918-221-0224 Enter 2225929465# when prompted for the access code \*\*We ask that you mute your phone if possible.***

***Audio recordings of all Board meetings will be posted on our website [www.storycountyiowa.gov](http://www.storycountyiowa.gov) shortly after the meeting is concluded. You may access these recordings at any time by clicking on the Meetings and Agendas button on the home page.***

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. PUBLIC FORUM

This is the time for members of the public to offer comments concerning matters not scheduled to be heard before the Board of Health.

4. ADDITIONAL ITEMS

4.I. Discussion And Consideration Of The Proper Procedure For The Board Of Health To Vote, Notify, And Enforce Isolation And Quarantine Emergency Orders Concerning COVID-19 Public Health Crisis

Documents:

[IOWA CODE SECTION 137.104 AND 105 AND QUARANTINE.PDF](#)

4.II. Discussion And Consideration Of Shelter In Place For Story County

4.III. Review And Discussion Of Protocol For Entering Into A Closed Session During A Public Meeting In Order To Meet Health Insurance Portability And Accountability Act (HIPPA) Requirements

4.IV. Discussion And Consideration To Hold Board Of Health Routine Bi-Monthly Meetings Via Conference Call To Limit Gatherings To No More Than Ten (10) People In Order To Help Slow The Spread Of COVID-19

4.V. Discussion And Consideration Of Emergent Medical Decisions That Impact Story County's COVID-19 Response

5. ADJOURNMENT

Story County strives to ensure that its programs and activities do not discriminate on the basis of race, color, national origin, sex, age or disability. Persons requiring assistance, auxiliary aids or services, or accommodation because of a disability may contact the county's ADA coordinator at (515)382-7204.



## WESTLAW

Iowa Code Annotated  
 Title IV. Public Health [Chs. 123-158]  
 Subchapter 137. Local Boards of Health [Chs. 135-146a] (Refs & Annos)  
**137.104. Local boards of health--powers and duties**  
 IA ST § 137.104 Iowa Code Annotated, Title IV, Public Health [Chs. 123-158], Effective: July 1, 2016 (Approx. 2 pages)  
 Chapter 137. Local Boards of Health (Refs & Annos)

**Effective: July 1, 2016**

I.C.A. § 137.104

### 137.104. Local boards of health--powers and duties

#### Currentness

Local boards of health shall have the following powers and duties:

1. A local board of health shall:

- a. Enforce state health laws and the rules and lawful orders of the state department.
- b. Make and enforce such reasonable rules and regulations not inconsistent with law and the rules of the state board as may be necessary for the protection and improvement of the public health.
  - (1) Rules of a city board shall become effective upon approval by the council and publication in a newspaper having general circulation in the city.
  - (2) Rules of a county board shall become effective upon approval by the county board of supervisors by a motion or resolution as defined in [section 331.101](#), [subsection 13](#), and publication in a newspaper having general circulation in the county.
  - (3) Rules of a district board shall become effective upon approval by the district board and publication in a newspaper having general circulation in the district.
  - (4) Before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed rule or regulation shall be published in a newspaper having general circulation as provided in [section 331.305](#) in the area served by the local board of health.
- c. Employ persons as necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of chapter 8A, subchapter IV, or any civil service provision adopted under chapter 400.
- d. Provide the names of all local board of health members and officers to the state department.
- e. Provide minutes of local board of health meetings and reports of the local board of health's operations and activities to the state department as may be required by the director, by rule, or by contract.

2. A local board of health may:

- a. Provide such population-based and personal health services as may be deemed necessary for the promotion and protection of the health of the public and charge reasonable fees for personal health services. A person shall not be denied necessary services within the limits of available resources because of inability to pay the cost of such services.
- b. Provide such environmental health services as may be deemed necessary for the protection and improvement of the public health and issue licenses and permits and charge

#### NOTES OF DECISIONS (51)

[Compensation](#)  
[County boards](#)  
[Employees](#)  
[Fees and charges](#)  
[Hearing](#)  
[Inspections](#)  
[Jurisdiction](#)  
[Liability](#)  
[Meeting minutes](#)  
[Nuisances](#)  
[Permits](#)  
[Private rights](#)  
[Public health services](#)  
[Quarantine](#)  
[Rules and regulations](#)  
[Transfer of funds](#)  
[Vaccinations](#)

reasonable fees in relation to the construction or operation of nonpublic water supplies or private sewage disposal systems.

c. Engage in joint operations and contract with colleges and universities, the state department, other public, private, and nonprofit agencies, and individuals or form a district health department to provide personal and population-based public health services.

d. By written agreement with the council of any city within its jurisdiction, enforce appropriate ordinances of the city relating to public health.

#### Credits

Added by [Acts 2010 \(83 G.A.\) ch. 1036](#), S.F. 2266, § 4. Amended by [Acts 2016 \(86 G.A.\) ch. 1026](#), S.F. 2159, § 10, eff. July 1, 2016.

#### Notes of Decisions (51)

I. C. A. § 137.104, IA ST § 137.104

Current with legislation effective 2/25/2020 from the 2020 Regular Session, subject to changes made by Iowa Code Editor for Code 2021.

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## NOTES OF DECISIONS (16)

[Compatibility of offices](#)  
[Compensation](#)  
[Health insurance](#)  
[Ordinances](#)  
[Qualifications](#)  
[Removal](#)

Iowa Code Annotated

Title IV. Public Health [Chs. 123-158]

[Subtitle C. Health-Related Activities \[Chapters 146a\] \(Refs & Annos\)](#)  
**137.105. Local boards of health--membership and meetings**

IA ST § 137.105 Iowa Code Annotated, Title IV, Public Health [Chs. 123-158], Effective: July 1, 2016 (Approx. 2 pages)  
 Chapter 137: Local Boards of Health (Refs & Annos)

 Proposed Legislation

**Effective: July 1, 2016**

I.C.A. § 137.105

## 137.105. Local boards of health--membership and meetings

[Currentness](#)

**1. Membership, terms, compensation, and vacancies.**

- a. All members of a city board shall be appointed by the council.
- b. All members of a county board shall be appointed by the county board of supervisors.
- c. All members of a district board shall be appointed by the county board of supervisors from each county represented by the district. Each county board of supervisors shall appoint at least one but no more than three members to the district board.
- d. Local boards of health shall consist of at least five members. At least one member shall be licensed as a physician under chapter 148.
- e. A local board of health member shall serve for a term of three years. A member is eligible for reappointment.
- f. A local board of health member shall serve without compensation, but may be reimbursed for necessary expenses in accordance with rules established by the state board or the applicable jurisdiction.
- g. A local board of health member vacancy due to death, resignation, or other cause shall be filled as soon as possible after the vacancy exists for the unexpired term of the original appointment.

**2. Meetings.** A majority of the members of a local board of health shall be considered a quorum and an affirmative vote of the majority of the members present is necessary for action taken by a local board of health. The majority shall not include any member who has a conflict of interest and a statement by the member that a conflict of interest exists shall be conclusive for this purpose.

**Credits**

Added by [Acts 2010 \(83 G.A.\) ch. 1036](#), S.F. 2266, § 5. Amended by [Acts 2016 \(86 G.A.\) ch. 1026](#), S.F. 2159, § 11, eff. July 1, 2016.

**Notes of Decisions (16)**

I. C. A. § 137.105, IA ST § 137.105

Current with legislation effective 2/25/2020 from the 2020 Regular Session, subject to changes made by Iowa Code Editor for Code 2021.

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**641—1.12 (135,137,139A) Quarantine and isolation—model rule for local boards.**

**1.12(1) *Applicability.*** The provisions of rule 641—1.12(135,137,139A) are applicable in jurisdictions in which a local board has adopted this rule by reference in accordance with Iowa Code section 137.6. This rule shall not be construed to require a local board to adopt this model rule.

**1.12(2) *Definitions.***

“*Board*” means [insert the name of the city, county, or district board of health].

“*Department*” means the Iowa department of public health.

“*Isolation*” means the separation of persons or animals presumably or actually infected with a communicable disease, or that are disease carriers, for the usual period of communicability of that disease. Isolation shall be in such places, marked by placards if necessary, and under such conditions to prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible individuals.

“*Quarantinable disease*” means any communicable disease which presents a risk of serious harm to public health and which may require isolation or quarantine to prevent its spread. “Quarantinable disease” includes but is not limited to cholera; diphtheria; infectious tuberculosis; plague; smallpox; yellow fever; viral hemorrhagic fevers, including Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named; novel influenza; and severe acute respiratory syndrome (SARS).

“*Quarantine*” means the limitation of freedom of movement of persons or animals that have been exposed to a communicable disease, within specified limits marked by placards, for a period of time equal to the longest usual incubation period of the disease. The limitation of movement shall be in such manner as to prevent the spread of a communicable disease.

**1.12(3) *General provisions.***

*a.* Voluntary confinement. Prior to instituting mandatory isolation or quarantine pursuant to this rule, the board may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.

*b.* Quarantine and isolation. The board is authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed by the board. If a quarantinable disease occurs in Iowa, individuals with a suspected or active quarantinable disease and contacts to the case may be quarantined or isolated as the particular situation requires. Any quarantine or isolation imposed by the board shall be established and enforced in accordance with this rule.

*c.* The local board of health shall notify, consult and work cooperatively with the Iowa department of agriculture and land stewardship and the state veterinarian office on issues relating to isolation and quarantine of animals.

**1.12(4) *Conditions and principles.*** The board shall adhere to all of the following conditions and principles when isolating or quarantining individuals or a group of individuals:

*a.* The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.

*b.* Isolated individuals shall be confined separately from quarantined individuals.

*c.* The health status of isolated or quarantined individuals shall be monitored regularly to determine if the individuals require further or continued isolation or quarantine.

*d.* If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, the individual shall be promptly removed to isolation.

*e.* Isolated or quarantined individuals shall be immediately released when the board determines that the individuals pose no substantial risk of transmitting a communicable or possibly communicable disease.

*f.* The needs of isolated or quarantined individuals shall be addressed in a systematic and competent fashion including, but not limited to, providing adequate food; clothing; shelter; means of communicating with those in and outside of isolation or quarantine; medication; and competent medical care.

*g.* The premises used for isolation or 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 harm to isolated or quarantined individuals.

*h.* To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals in isolation and quarantine premises and in establishing and maintaining the premises.

**1.12(5)** *Isolation and quarantine premises.*

*a.* If deemed appropriate by the department, sites of isolation or quarantine shall be prominently placarded with isolation or quarantine signs prescribed and furnished by the department and posted on all sides of the building wherever access is possible.

*b.* An individual subject to isolation or quarantine shall obey the rules and orders of the board and shall not go beyond the isolation or quarantine premises unless expressly authorized to do so by the order.

*c.* The department or the board may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

*d.* No individual, other than an individual authorized by the department or the board, shall enter an isolation or quarantine premises. If the department has requested the assistance of law enforcement in enforcing the isolation or quarantine, the department shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.

*e.* Any individual entering an isolation or quarantine premises with or without authorization of the department or the board may be isolated or quarantined pursuant to this rule.

**1.12(6)** *Isolation and quarantine.*

*a.* Authority. The board may:

- (1) Isolate individuals who are presumably or actually infected with a quarantinable disease;
- (2) Quarantine individuals who have been exposed to a quarantinable disease;
- (3) Establish and maintain places of isolation and quarantine; and
- (4) Adopt emergency rules and issue orders as necessary to establish, maintain, and enforce isolation or quarantine.

*b.* Isolation and quarantine undertaken by the board shall be accomplished in accordance with this rule.

*c.* Temporary isolation and quarantine without notice. The board may temporarily isolate or quarantine an individual or groups of individuals through an oral order, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the board's ability to prevent or limit the transmission of a communicable or possibly communicable disease to others. If the board imposes temporary isolation or quarantine of an individual or groups of individuals through an oral order, the board shall issue a written order as soon as is reasonably possible and in all cases within 24 hours of issuance of the oral order if continued isolation or quarantine is necessary to prevent or limit the transmission of a communicable or possibly communicable disease.

*d.* Written order. The board may isolate or quarantine an individual or groups of individuals through a written order issued pursuant to this rule.

(1) The written order shall include all of the following:

1. The identity of the individual, individuals, or groups of individuals subject to isolation or quarantine.

2. The premises subject to isolation or quarantine.

3. The date and time at which isolation or quarantine commences.
4. The suspected communicable disease.
5. A description of the less restrictive alternatives that were attempted and were unsuccessful, or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.
6. A statement of compliance with the conditions and principles for isolation and quarantine specified in subrule 1.12(4).
7. The legal authority under which the order is imposed.
8. The medical basis upon which isolation or quarantine is justified.
9. A statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to subrule 1.12(7) and the rights of individuals and groups of individuals subject to quarantine and isolation as listed in subrule 1.12(8).
10. A copy of this rule and the relevant definitions.

(2) A copy of the written order shall be provided to the individual to be isolated or quarantined within 24 hours of issuance of the order in accordance with any applicable process authorized by the Iowa Rules of Civil Procedure. If the order applies to a group or groups 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.

**1.12(7) *Appeal from order imposing isolation or quarantine.***

*a. Appeal.* The subject of a board order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten days of receipt of the written order. The appeal shall be addressed to [insert name of board and board address]. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of upon its merits.

*b. Proceeding.* The appeal proceeding shall be conducted in accordance with this rule [or insert specific board rule governing appeal proceedings]. The proceeding shall be held as soon as is practicable, and in no case later than ten days from the date of receipt of the appeal. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease. In extraordinary circumstances and for good cause shown, the board may continue the proceeding date for up to ten days, giving due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence. At the appeal proceeding, the subject of the appeal shall have the right to introduce evidence on all issues relevant to the order. The board, by majority vote, may modify, withdraw, or order compliance with the order under appeal.

*c. Judicial review.* The aggrieved party to the final decision of the board may petition for judicial review of that action by filing an action in the appropriate district court. Petitions for judicial review shall be filed within 30 days after the decision becomes final.

*d. Immediate judicial review of board order.* The board acknowledges that in certain circumstances the subject or subjects of a board order may desire immediate judicial review of a board order in lieu of proceeding with the board's appeal process. The board may consent to immediate jurisdiction of the district court when requested by the subject or subjects of a board order and justice so requires. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the judicial review is finally determined and disposed of upon its merits.

**1.12(8) *Rights of individuals and groups of individuals subject to isolation or quarantine.*** Any individual or group of individuals subject to isolation or quarantine shall have the following rights:

- a.* The right to be represented by legal counsel.
- b.* The right to be provided with prior notice of the date, time, and location of any hearing.

c. The right to participate in any hearing. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease.

d. The right to respond and present evidence and argument on the individual's own behalf in any hearing.

e. The right to cross-examine witnesses who testify against the individual.

f. The right to view and copy all records in the possession of the board which relate to the subject of the written order.

**1.12(9)** *Consolidation of claims.* In any proceeding brought pursuant to this rule, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence, the board or a court may order the consolidation of individual claims into group claims, if all of the following conditions exist:

a. The number of individuals involved or to be affected is large enough that consolidation would be the best use of resources.

b. There are questions of law or fact common to the individual claims or rights to be determined.

c. The group claims or rights to be determined are typical of the affected individuals' claims or rights.

d. The entire group will be adequately represented in the consolidation.

**1.12(10)** *Implementation and enforcement of isolation and quarantine.*

a. *Jurisdictional issues.* The department has primary jurisdiction to isolate or quarantine individuals or groups of individuals if the communicable disease outbreak has affected more than one county or has multicounty, statewide, or interstate public health implications. If isolation or quarantine is imposed by the department, the board may not alter, amend, modify, or rescind the isolation or quarantine order.

b. *Assistance of local boards of health and local health departments.* If isolation or quarantine is imposed by the department, the local boards of health and the local health departments in the affected areas shall assist in the implementation of the isolation or quarantine order.

c. *Penalty.* Pursuant to Iowa Code sections 137.21 and 139A.25(1), any individual who violates a lawful board order for isolation or quarantine, whether written or oral, shall be guilty of a simple misdemeanor. The court-ordered sentence may include a fine of up to \$500 and imprisonment not to exceed 30 days.

d. *Enforcement action.* The board, through the office of the county attorney, may file a civil action in the appropriate district court to enforce a board order for isolation or quarantine. Such action shall be filed in accordance with the Iowa Rules of Civil Procedure.