



2020

PUBLIC HEALTH LAW  
**VIRTUAL  
SUMMIT**

**COVID-19 Response  
and Recovery**

September  
**16-17**

**COVID-19 Tracking and  
Control Measures**



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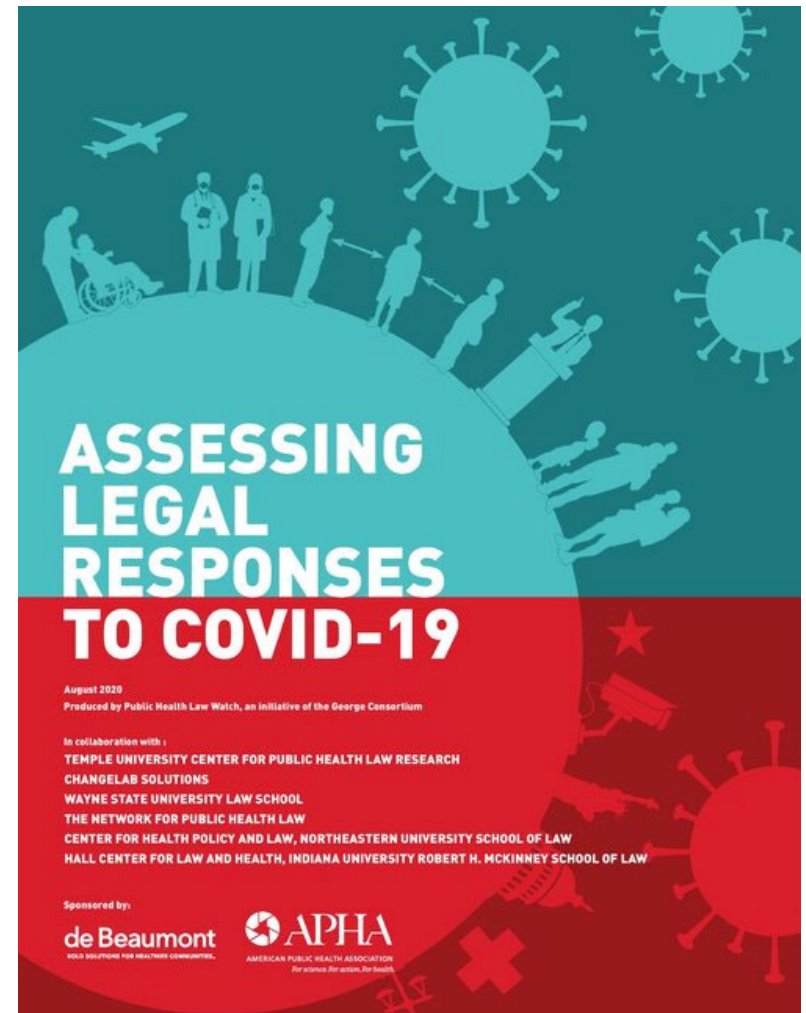
# Contact Tracing, Intrastate and Interstate Quarantine, and Isolation

# Part I: Using Government Powers to Control the Pandemic

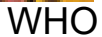
- Chapter 3
- <https://www.publichealthlawwatch.org/covid19-policy-playbook>
- No conflicts to report.
- Views are my own.
- I am a lawyer, but not yours.



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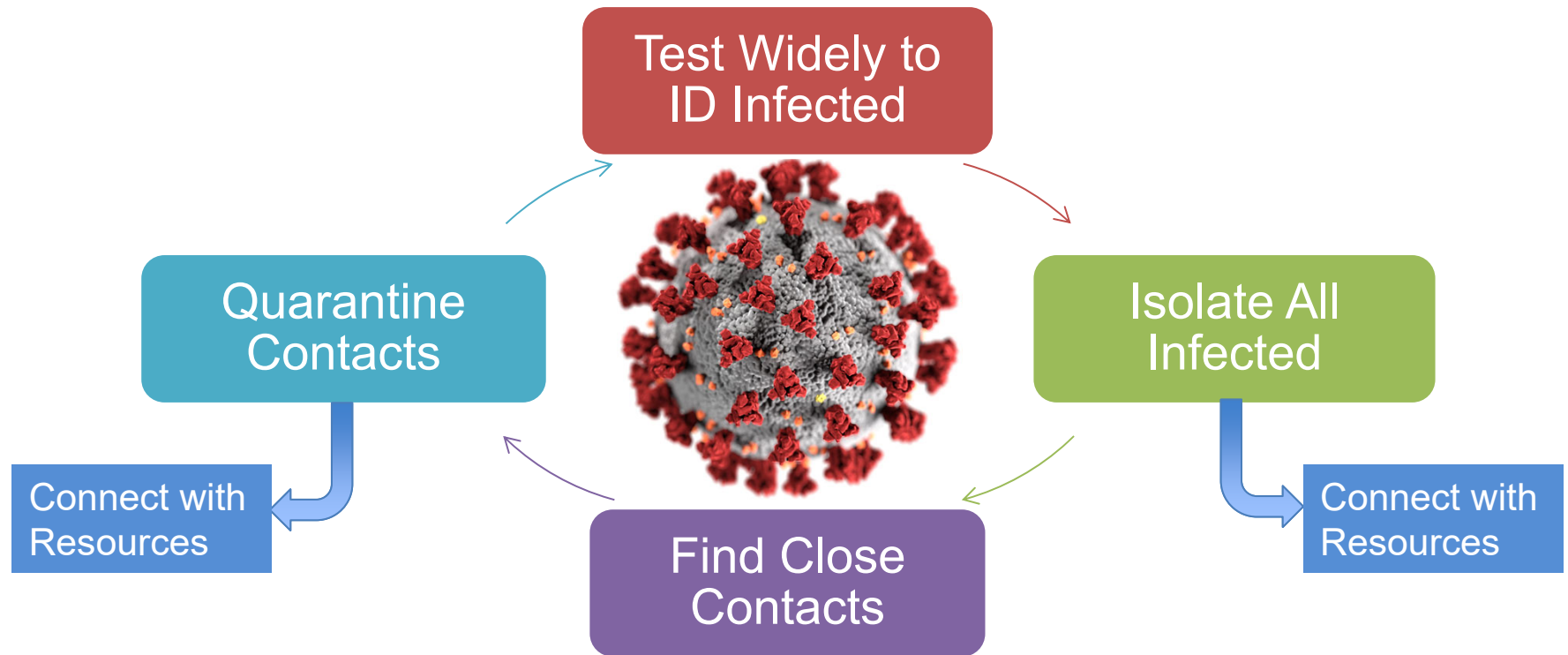


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# Contact Tracing for COVID-19



## Few Legal Barriers to Contact Tracing Process

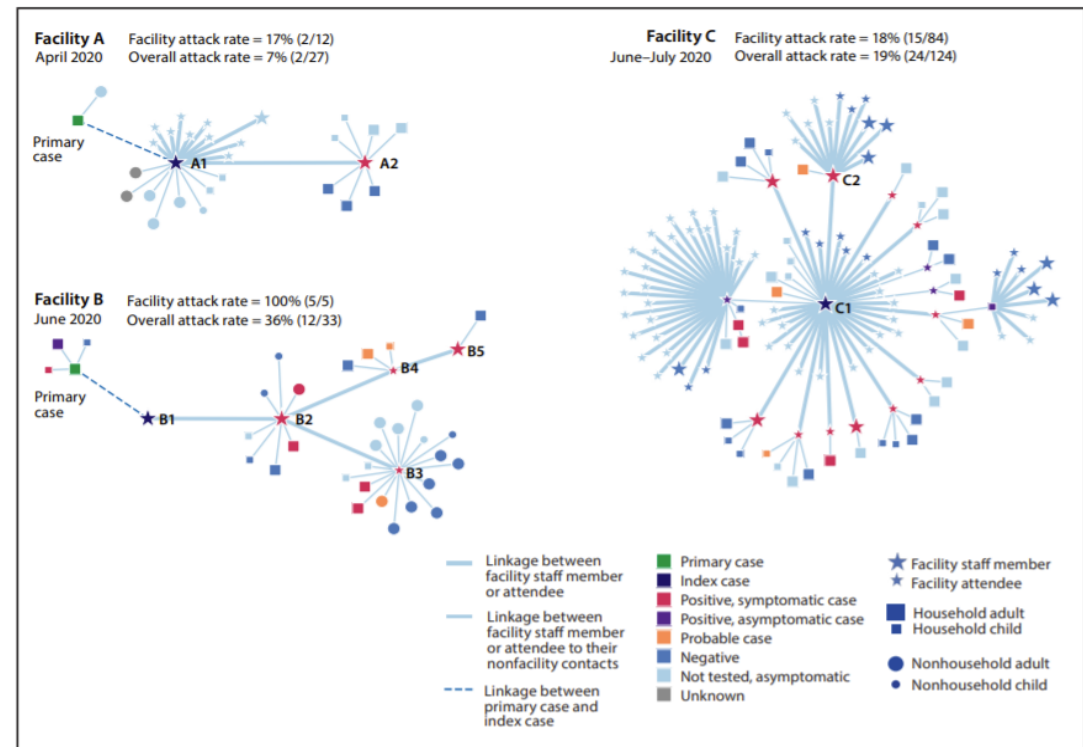
1. Grounded in Police Power
2. Infectious Disease Surveillance, Investigation, Control Core PH Agency Duties
3. Emergency Response Laws enhance authority & purchasing powers
4. Privacy & Confidentiality protections largely in place
  - Kansas Contact Tracing Privacy Act



## Efforts affected by:

- Infection Traits
- Testing Speed & Accuracy
- Local Manpower
- Cooperation

FIGURE. Transmission chains\* and attack rates<sup>†,§</sup> in three COVID-19 child care center outbreaks<sup>¶,††</sup> — Salt Lake County, Utah, April 1–July 10, 2020



Abbreviation: COVID-19 = coronavirus disease 2019.

\* Transmission chains developed using Microbe Trace software. <https://www.biorxiv.org/content/10.1101/2020.07.22.216275v1>.

† Facility attack rates include index cases and all facility staff members and attendees.

§ Overall attack rates include all facility staff members and attendees (including the index case) and nonfacility contacts (household and nonhousehold). It does not include the primary case or the cases linked to the primary case.

¶ A confirmed case was defined as a positive SARS-CoV-2 reverse transcription–polymerase chain reaction test result. A probable case was an illness with symptoms consistent with COVID-19 and linked to the outbreak but without laboratory testing.

\*\* The index case was defined as the earliest confirmed case in a person at the child care facility.

†† A primary case was defined as the earliest confirmed case linked to the outbreak.



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MMWR

How's it going?



POLITICS

## The Most American COVID-19 Failure Yet

Contact tracing works almost everywhere else. Why not here?

OLGA KHAZAN AUGUST 31, 2020

AUGUST 4, 2020 / 7:16 AM / UPDATED A MONTH AGO

## Special Report: Local governments 'overwhelmed' in race to trace U.S. COVID contacts

By Benjamin Lesser, Dan Levine, Jaimi Dowdell, Andrea Januta

## The magnitude of America's contact tracing crisis is hard to overstate

These essential programs are getting creative to overcome funding shortages, testing delays, case surges, and public distrust.

8 MINUTE READ

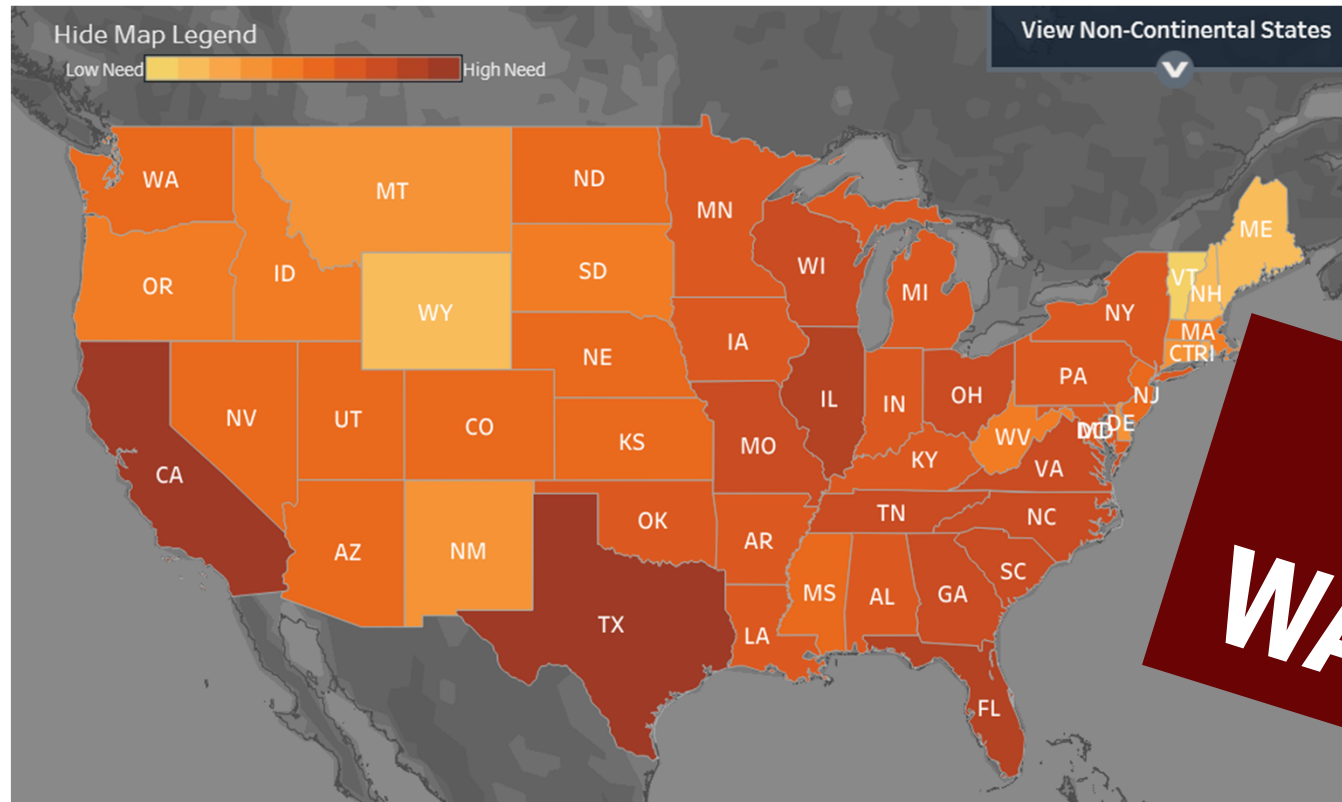


BY LOIS PARSHLEY



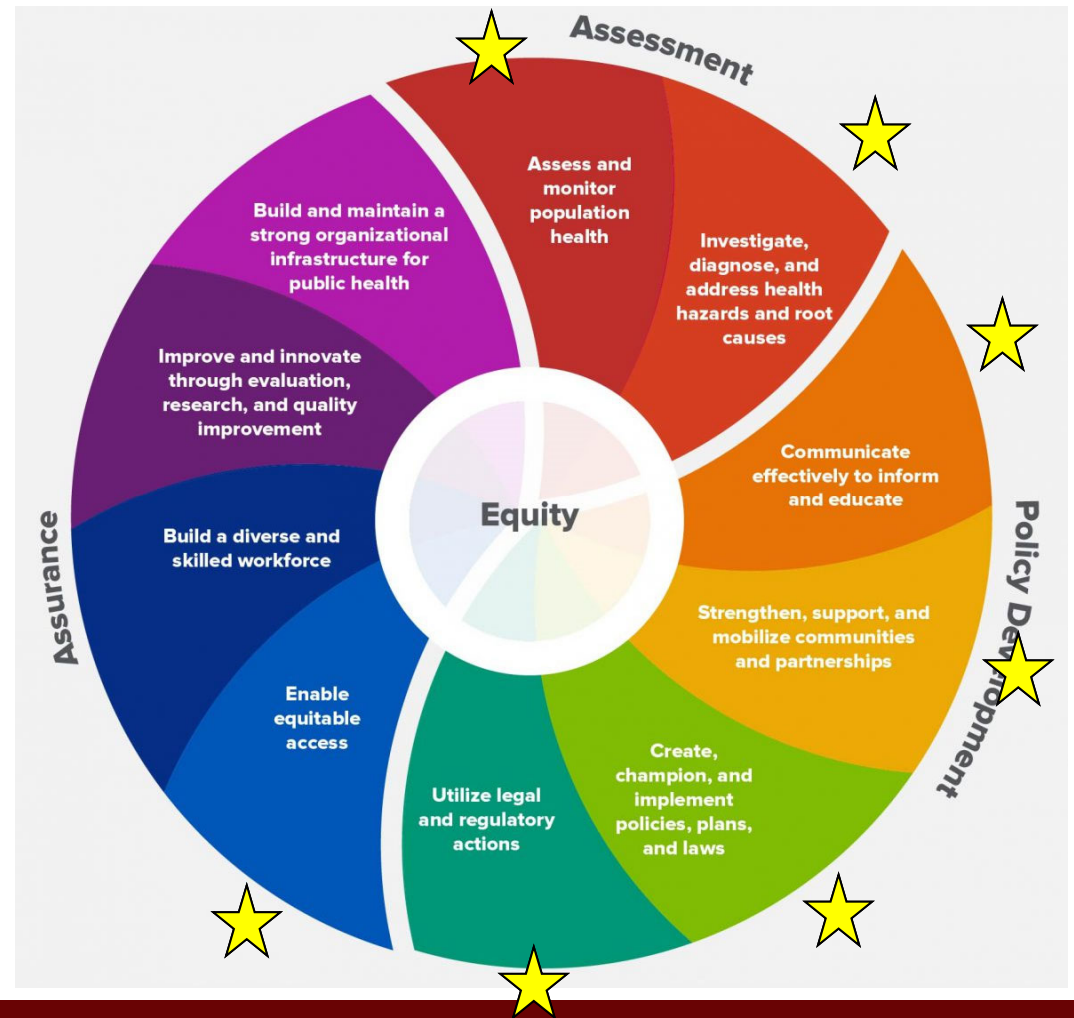
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What does this person need to succeed with keeping our community safe from Covid-19?

- Rent/Housing Help
- Child Care
- Health Care/Insurance
- Legal aid
- Public benefits
- Milk



# Quarantine Legal Issues

- Ancient Public Health Power
- Bounded by Scientific Standards, Due Process, Equal Protection
- Ethical, Civil, & Human Rights Considerations



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# Voluntary Participation vs Poverty, Paranoia, FOMO & Presenteeism

Quarantine & Isolation

Under the "COVID Act," school officials in the U.S. can quarantine children with COVID-19 symptoms outside their family home without their parents' or guardians' consent.

Rating



**False**

[About this rating](#)

Snopes

**If you get covid-19, leaving your house may be the best way to protect your family**

Under one roof, one case often turns into two or three.

**IU advises students living in Greek houses to re-evaluate current living situations**

FOR IMMEDIATE RELEASE

Sept. 3, 2020

**Chief Judge: Courts Ready To Hear Quarantine Order Cases For Those Refusing To Isolate**

By RYAN DENHAM • SEP 8, 2020



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# Travelers' Quarantine



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# Federal Courts Uphold



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# Recommendations

## Federal government:

- Congress should appropriate significant, expanded, ongoing funding (until the abatement of the pandemic or widespread uptake of a safe, effective COVID-19 vaccine) for state and local testing and contact tracing efforts; appropriations should require the employment of a culturally-sensitive, linguistically-competent workforce reflecting the make-up of the community.
- Congress should strengthen, extend for a longer period of time, and minimize employer exemptions from the protected time-off benefits available under the Family and Medical Leave Act and Families First Coronavirus Response Act to facilitate the needs of employees who are quarantined or isolated due to COVID-19 or have caregiver duties for those who have been quarantined/isolated.



## State governments:

- State legislatures should fund, and state health departments should implement and/or contract for, robust, ongoing contact tracing systems that are closely connected to the communities they serve, including employment of a culturally-diverse and -sensitive workforce.
- State health departments should implement and/or contract for contact tracing services that, whenever possible, engage existing community-based organizations to facilitate connection with diverse local communities and service needs.
- State health departments, in their implementation of contact tracing training and programs, should seek to identify and address unique barriers and concerns that may arise with outreach and service provision efforts to immigrant and migrant populations, including issues associated with immigration and public charge rules.
- State legislatures should fund, and state health and social services agencies should implement, systems that ensure those testing positive and identified as close contacts have access to health care, mental health care, social services, and employment and housing protections needed for effective SARS-CoV-2 treatment and quarantine.
- Governors and/or executive branch agencies overseeing state-led contact tracing programs should regularly report data to the public related to their contact tracing outreach and case ascertainment efforts; if necessary, legislatures should mandate these data disclosures.
- Governors through executive orders and/or legislatures through amending extant housing, utilities, and employment laws should extend protections against eviction, mortgage foreclosure, utility shut off, discrimination, and employment loss due to quarantine and/or isolation.
- State health departments should develop and implement expanded, multilingual health communication efforts to boost public trust and participation in, and awareness of, contact tracing initiatives.

# Recommendations

## Local governments:

- Local government should fund, and local health departments should implement, ongoing contact tracing systems that are closely connected to the communities they serve, including employment of a culturally-diverse and -sensitive workforce.
- Local health departments should implement and/or contract for contact tracing services that, whenever possible, engage existing community-based organizations to facilitate connection with diverse local communities and service needs.
- Local health departments, in their implementation of contact tracing training and programs, should seek to identify and address unique barriers and concerns that may arise with outreach and service provision efforts to local immigrant and migrant populations, including issues associated with immigration and public charge rules.
- Local health departments overseeing state-led contact tracing programs should regularly report data related to their contact tracing outreach and case ascertainment efforts.
- Local government, through emergency orders and/or amending extant housing, utilities, and employment ordinances, should extend protections against eviction, mortgage foreclosure, and utility shut off connected with quarantine and/or isolation.
- Local government and health departments should develop and implement expanded, multilingual health communication efforts to boost public trust and participation in, and awareness of, contact tracing initiatives.





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