

Collaboration to protect health: *Epidemics and the California Courts*

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Tuesday, November 6, 2007

APHA Annual Meeting - Washington, D.C.



Epidemics and the California Courts

In October 2006, the Judicial Council of California Administrative Office of the Courts' Emergency Response and Security Unit in collaboration with the State of California Department of Health Services' Division of Communicable Disease Control created the *Epidemics and the California Courts* Guide.

Epidemics and the California Courts



EPIDEMICS AND THE CALIFORNIA COURTS

OCTOBER 2006



ADMINISTRATIVE OFFICE
OF THE COURTS
EMERGENCY RESPONSE AND SECURITY

Objectives

1. Describe events leading to collaborative development of Guidance
2. Recognize importance and need for advanced preparedness
3. Identify strategies for improving communications between court and public health officials
4. Prioritize elements for collaboration

Introduction to General Emergency Public Health Preparedness in CA

Public Health for Emergency Preparedness and Response

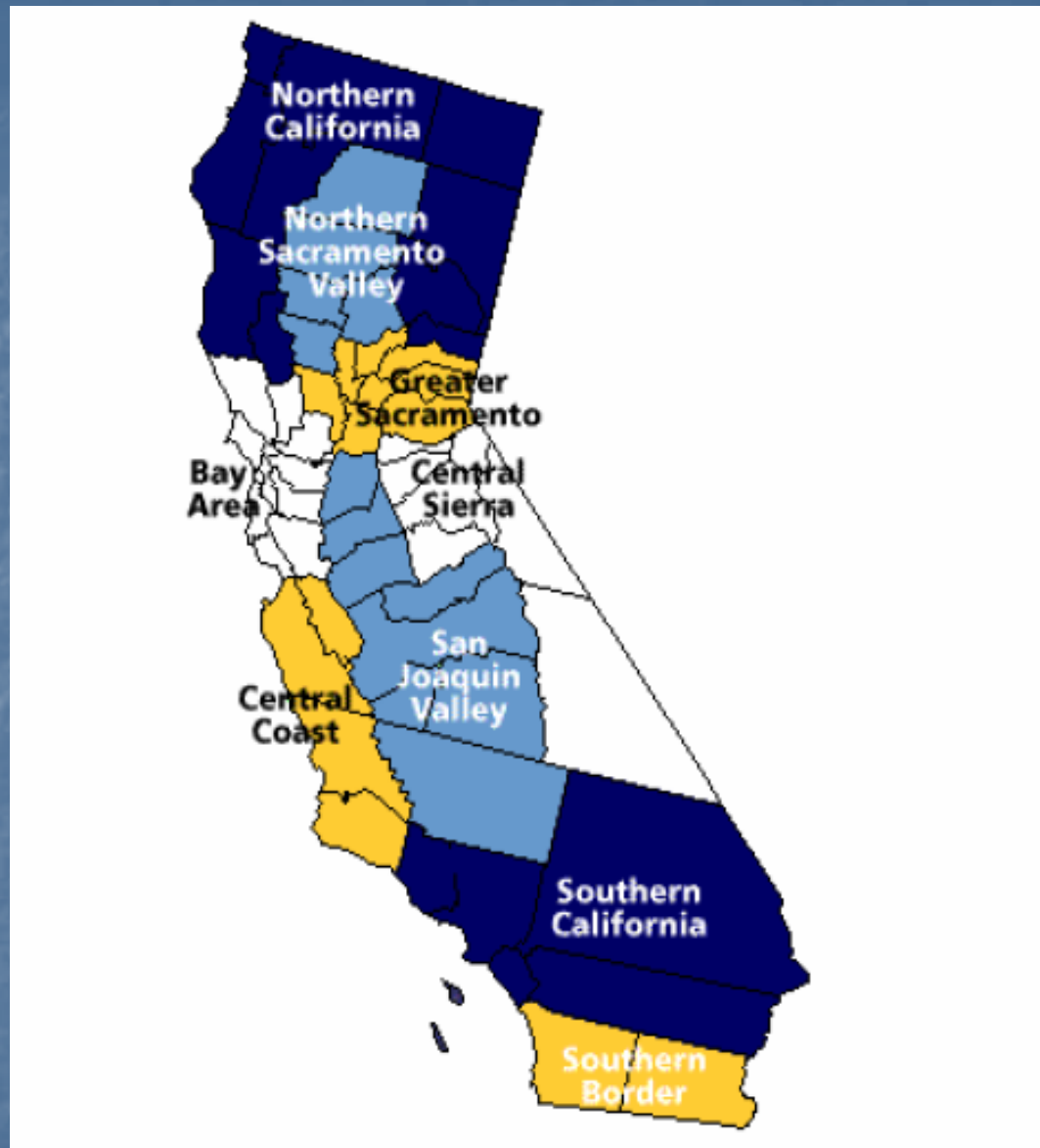
Effective public health emergency preparedness and response depends upon the coordinated efforts of multiple people from many different agencies, working in concert.

Website:

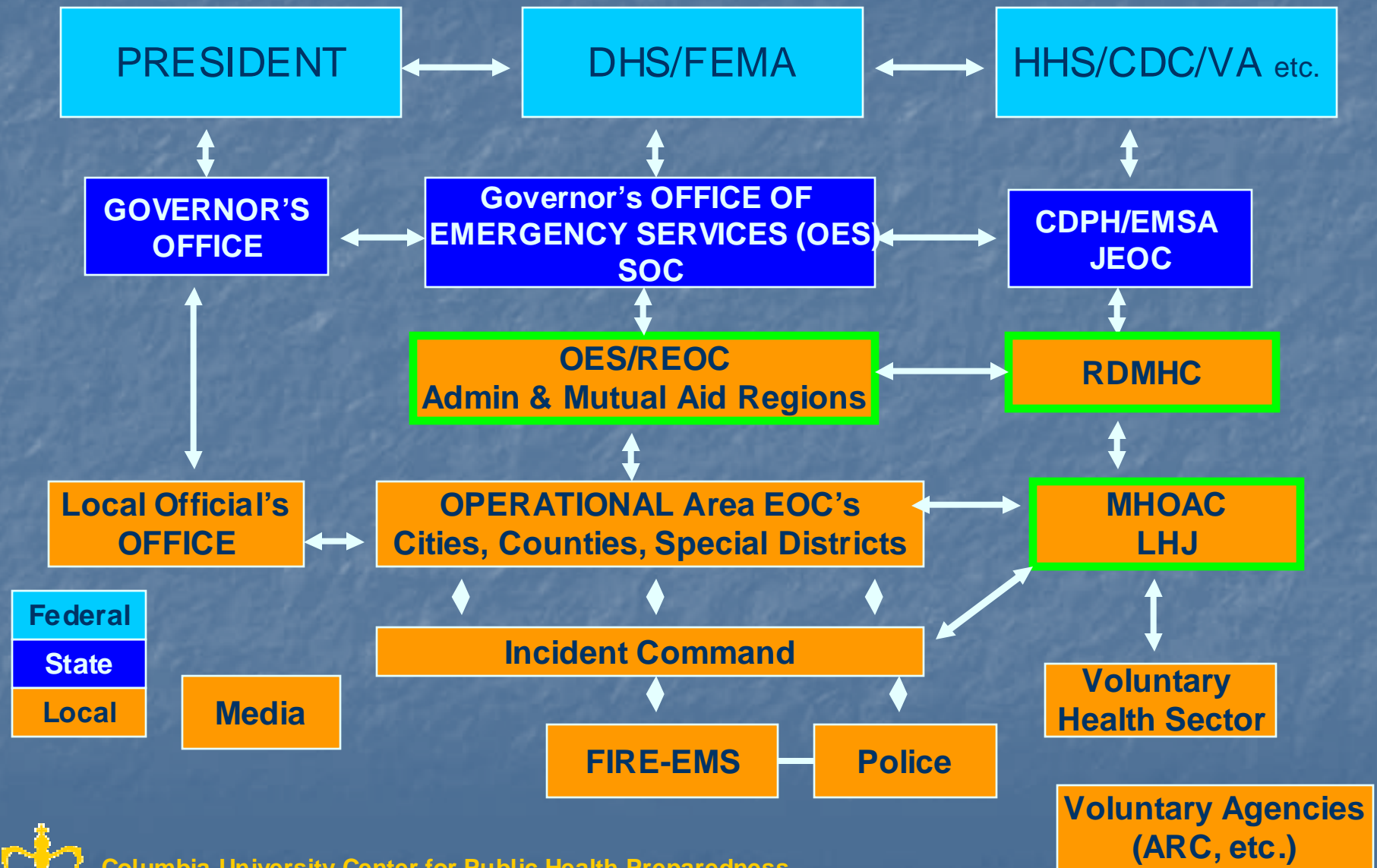
<http://cpmcnet.columbia.edu/dept/sph/CPHP/index.html>



California



Federal, State and Local Coordination in California DISASTERS for Public Health





Mutual Aid and Administrative Regions



Background

California Department of Public Health (CDPH) Division of Communicable Disease (DCDC)

CDPH* through DCDC is responsible for investigating and controlling all communicable disease and conditions in the State of California.



*CDHS split into CDPH and the Department of Health Care Services on July 1, 2007.



CDPH DCDC

DCDC, through its Branches, works in partnership with local, national and international health officials, health care providers, and the public to:

- monitor health,
- identify and investigate existing and potential health problems,
- develop and implement prevention strategies,

DCDC (cont.)

DCDC, through its Branches, works in partnership with local, national and international health officials, health care providers, and the public to:

- provide technical consultation,
- conduct research,
- provide education and training,
- formulate and advise on public health policy

DCDC Branches

- Infant Botulism Treatment and Prevention Program
- Infectious Diseases Branch
- Immunization Branch
- Sexually Transmitted Disease Control Branch
- Tuberculosis Control Branch
- Microbial Diseases Laboratory Branch
- Viral & Rickettsial Disease Laboratory Branch

CDPH Office of Legal Services

- Provides legal advice and support to the director on all matters pertaining to the department, including matters affecting public health.

California Conference of Local Health Officers (CCLHO)

Mandated to advise State Government on the organization and conduct of local health programs and services (CA Health & Safety Code 100290, 100295, 100925, 100950)

[Reference: CCLHO Platform Statement 2005 at <http://www.dhs.ca.gov/cclho/>]

California

Health Officers can take measures as may be necessary to prevent the spread of disease or occurrence of additional cases under their jurisdictions including isolation and quarantine.

California Health & Safety Code §§ 120175, 120130(c), 120210(a), 120215(a), 120220, 121365(g), 120585; Cal. Code Regs., tit. 17 §§ 2501(a), 2516, 2518, 2520, plus many more... <http://www.leginfo.ca.gov>

California Collaboration Public Health Law Workgroup

- Local Health Officers
- CDPH Office of Legal Services (OLS)
- CDPH DCDC
- County Counsels and City Attorneys
- County Health Executives

All entities above collaborated to develop *Health Officer Practice Guide for Communicable Disease Control in California*.

Health Officer Practice Guide for Communicable Disease Control in California

Guide finalized in November 1, 2005 to
“educate local health officers, county
counsels and judges” in California.

Project was funded by Centers for
Disease Control and Prevention for
Bioterrorism Preparedness.

Role of Local Health Officers

<http://www.dhs.ca.gov/ps/dcdc/dcdcindex.htm>

Health Officer Practice Guide for Communicable Disease Control in California

California Home Wednesday, March 21, 2007

Welcome to *California*

CDHS Home
Prevention Services Home

DCDC Home Page

- [Bioterrorism Epidemiology Section](#)
- [California Health Information Network \(CalPHIS\)](#)
- [Immunization Branch](#)
- [Infant Botulism Treatment & Prevention Program](#)
- [Infectious Diseases Branch](#)
- [Microbial Diseases Laboratory Branch](#)
- [Sexually Transmitted](#)

Division of Communicable Disease Control

COMMUNICABLE DISEASE CONTROL

New Content...

- [Control of Influenza in Long-Term Health Care Facilities 2006-07](#)
- [Control of Viral Gastroenteritis Outbreaks in Long Term Care Facilities](#)
- [California Pandemic Influenza Preparedness and Response Plan 2006](#)
- [Recommendations for Reducing Morbidity and Mortality Related to Healthcare-Associated Infections in California](#)

Health Officer Practice Guide for Communicable Disease Control in California

- [Revised 2007](#)
- [Original \(2005-2006\) version with 2007 revisions noted](#)

Isolation and Quarantine Order Templates

- [Model Isolation Order](#)
- [Model Quarantine Order](#)

search

My CA This Site

Featured Links

- [Read more information on Pandemic Influenza](#)
- [Get the Facts on West Nile Virus](#)
- [California Facts and Surveillance of West Nile Virus](#)
- [Los Hechos y la Vigilancia de California Acerca del Virus del Hilo Occidental](#)
- [Get the Latest Info on SARS](#)
- [Meningococcal Disease Prevention Plan](#)
- [Updated Disease Topics: Question and Answer Sheets](#)

Get general

Objective

Describe the series of events which led to the collaborative development of *Epidemics and the California Courts* Guidance.

Pandemic Preparedness

- CCLHO – concerned that in early stages of pandemic – window of opportunity lost if quarantine orders challenged in California courts.
- Subcommittee Meeting August 31, 2005 Public Health Law Workgroup – Possible to communicate with Courts in advance of event as part of planning? [Budget \$25k CDC BT Funds]

Next Steps

- What specific group within court system would be appropriate to target?
- Via what mechanism? (bench book? Article?)
- Entity to guide us?

Contacts at CA Courts

- CDPH OLS and DCDC communicated with:
 - Professor Cruz Reynoso
 - Superior Court Judge – Colleen Nichols

Health Officer Practice Guide for Communicable Disease Control in California

discussed with Professor

- Professor Cruz Reynoso (Sept. 14, 2005 Mtg.)
 - Boochever & Bird Chair
Study and Teaching of Freedom & Equality
University of CA, Davis School of Law
 - Presidential Medal of Freedom 2000
 - Former Vice Chair for US Commission on Civil Rights '94-'04
 - Former Associate Justice CA Supreme Court '82-'87

CA Courts

Informed by Professor Reynoso:

- In 1987, there was no continuing education requirement for judges
- Chief Justice of California Supreme Court also is Chief Administrator of CA Courts
- Under Chief Justice, Judicial Council of CA issues instructions to judges
- www.courtinfo.ca.gov Fact Sheet
- California Judges Assn provides info

Professor Reynoso

Suggested Next Steps to consider

- Request Chief Justice (CA Supreme Ct.) author a small article on the real need for CD control education among judges and court administrators (consider CDPH OLS to contact Chief Justice's Staff Director)

Professor Reynoso

Suggested Next Steps to consider

- Request personal appearance with Judicial Council of CA to make educational presentation. Outcome may be that Council decides that this is an important issue by resolution and may issue instructions to Courts (non-enforcing initially; future goal - standards for handling communicable disease threats throughout CA Court system).

Professor Reynoso

Suggested Next Steps to consider

- Provide Executive Summary of *Health Officer Practice Guide for Communicable Disease Control in California* for Judges.
- Based on this Executive Summary - develop 4 Page Brochure/Handout (historic lessons of CD Control and role of judges to combat real current day threats)

Professor Reynoso

Suggested Next Steps to consider

- Ask CA Judges Assn to distribute the Brochure/Handout at their annual meeting (Request to CA Judges Assn Executive Officer and President)
- For now, no bench book
- In future, reach out to others in legal profession (DA's, CA Attorney General)

Email Summary of Reynoso Ideas

- Email Summary - Included original request to him and draft copy of *Health Officer Practice Guide for Communicable Disease Control in California*.
- Forwarded this to others...in new requests for assistance/guidance.

Contact with CA Courts

- Superior Court Judge – Colleen Nichols contacted on Sept. 28, 2005 by email, responded by Sept. 30, 2005 with positive response from Center for Judicial Education & Research (CJER Judicial Council of CA AOC).
- By Nov. 28, 2005 conference call between CDPH and AOC [CJER and Emergency Response & Security Unit (ERS)]

Meanwhile...CDPH Background Research

November 3, 2005 CDPH Epidemiology and Prevention for Injury Control Branch (EPIC) – Experience of Stacy Alamo Mixson, MPH with training judges in California on Domestic Violence shared with Dr. Núñez de Ybarra in meeting.

Meanwhile...CDPH Background Research

EPIC Lessons Learned:

- Judicial peers very influential
- Important to consider training for rest of Court system staff – Court administrators and bailiffs (remember judges rotate)

CDPH Background Research

- EPIC Lessons Learned (continued):
 - Certain conferences target whole court system – important to target outreach where they congregate
 - Many judges are elected; elected officials love good press
 - Elected officials want to hear from each other

CDPH Background Research

- EPIC Lessons Learned (continued):
 - Conference Format which was well received:
 - Judge presented training
 - Issues raised by participant judges
 - Discussion during training allowed for judge participants to hear directly from their peers – various approaches and experiences of others.

CDPH Background Research

- EPIC Lessons Learned (continued):

REMEMBER: Important to choose neutral location for Conference/Training

- Neutral: union hotel conference rooms, high school meeting rooms, community centers
- Not neutral: hospitals, health departments or court facilities

Contact with CA Courts

- Nov. 28, 2005 conference call between CDPH and AOC revealed:
 - CA Courts – 25,000 employees
 - 2003 State Legislation resulted in all 58 County Court facilities in CA under State ownership (451 Court locations)
 - Only Chief Justice of CA Supreme Court can shut down any CA Court operations

Contact with CA Courts

- Nov. 28, 2005 conference call between CDPH and AOC revealed:
 - AOC uses web-based Intranet and other modalities (pamphlets, books, video conferencing) for notifications, education and training.
 - AOC – Homeland Security Grants for Preparedness Activities

Contact with CA Courts

- Nov. 28, 2005 conference call between CDPH and AOC – Next Steps – Future Call
 - What info should be used in any educational or training project for purposes of CA Court Communicable Disease Control and Prevention?
 - What modality/method best for delivery of any education/training?

Public Health Law Workgroup

- March 2006 meeting – reported to group ongoing communication with AOC CJER including collaborative effort: CDPH OLS developed Pandemic Influenza Case Vignettes for CJER for training. [DCDC provided technical comments.]
- Agreed good to follow up with AOC ERS

Judicial Council of California Administrative Office of the Courts' (AOC) Emergency Response and Security Unit (ERS)

- March 2006, follow up communication with Jennifer Buzick, ERS Coordinator
- CDPH invited to collaborate on Brochure Project; Brochure to be distributed to entire CA Court System.
- First step CDPH to develop a draft 4 to 6 page Brochure.

Judicial Council of California

AOC ERS

- Request for Brochure to cover what Courts needed to know
 - Health Terms and Definitions; Diseases of Concern
 - Public Health Communicable Disease Control Response/Role
 - Courts' Role in disease outbreaks
 - Protective measures in a disease outbreak
 - Resources (County Court CEO who will contact LHO)

Collaborative Strategy for producing AOC ERS Guidance

- CDPH OLS Senior Staff Attorney Peter Baldrige developed draft “Epidemics and the California Courts” Brochure and submitted it April 18, 2006
- CDPH OLS Brochure became the framework document for Project
- CDPH DCDC Staff reviewed the Brochure and provided technical comments and submitted to Court staff

CDPH OLS Brochure

- Central Theme proposed by Peter Baldrige: Without advance planning, the courts could themselves become spreading centers for disease, affecting staff, litigants and jurors alike, potentially subjecting the court to closure for public health reasons.

Collaborative Strategy for producing AOC ERS Guidance

- Court staff reviewed and incorporated additional Court procedure elements (including additional health information pulled from many online references). Overtime, Brochure became full feature Guide with Appendices.
- CDPH DCDC provided technical medical review of Guidance

AOC ERS Guidance: *Epidemics and the California Courts*

1. Introduction
2. Pandemic Influenza
3. Strategies and Response
4. California Court Considerations
5. California Court Strategies
6. California Court Planning
7. Appendixes

AOC ERS Guidance: *Epidemics and the California Courts*

1. Introduction

1.1 History of Epidemics

1.2 Epidemic Transmission

1.3 Epidemics of Concern

- Influenza
- Plague
- Severe acute respiratory syndrome (SARS)
- Smallpox

AOC ERS Guidance: *Epidemics and the California Courts*

2. Pandemic Influenza

2.1 Impact

- Unpredictable
- Could last from months to years
- Potential for rapid worldwide spread
- People may be asymptomatic while infectious
- Absenteeism
- Enormous demands on health-care system
- Delays and shortages of vaccines/antivirals

2.2 World Health Organization Pandemic Phases

2.3 Vaccines and Antivirals

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3. Strategies and Response

3.1 National Strategy for Pandemic Influenza Implementation Plan*

*White House Office of Homeland Security, Homeland Security Council (May 2006)
p. 18

<http://www.whitehouse.gov/homeland/pandemic-influenza-implementation.html>

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3. Strategies and Response

3.2 Public Health Response to Disease Outbreaks

“Any public health response to a disease outbreak will depend on the nature of the pathogen involved; its virulence, mode of transmission, communicability, and the availability of vaccines and treatments.”

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3. Strategies and Response (Cont.)

3.2 Public Health Response to Disease Outbreaks (cont.) May include:

- Surveillance of the incidence of disease by medical care providers and laboratories through disease reporting systems;
- Investigations, including examinations and testing of potentially infected persons or animals;
- Isolation of human cases; and
- Quarantine of individuals or groups that have been exposed.

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3. Strategies and Response (Cont.)

3.2 Public Health Response to Disease Outbreaks (cont.)

Public Health Officials might use other measures:

- Mandatory treatment or vaccination
- Mandatory hand and respiratory sanitation
- Closure or evacuations of private/public buildings
- Disinfection or destruction of contaminated property
- Rationing of vaccines or drugs

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3. Strategies and Response (Cont.)

3.2 Public Health Response to Disease Outbreaks (cont.)

“In extreme circumstances, a state of emergency could be declared, under which the Governor could commandeer equipment, facilities, and personnel. Individuals could be drafted as disaster service workers. Curfews could be established to prevent interaction.”

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4. California Court Considerations

4.1 California Court Goals

Mission: *The judiciary shall, in a fair, accessible, effective, and efficient manner, resolve disputes arising under the law and shall interpret and apply the law consistently, impartially, and independently to protect the rights and liberties guaranteed by the Constitutions of California and the United States.*

Judicial Council of California, Strategic Plan: Leading Justice into the Future (Mar. 2000), pp. 14-15.

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4. California Court Considerations (cont.)

4.2 Implications for California Courts

"The exercise of the local health officer's powers during an epidemic may impinge on personal liberties or affect property rights that members of the public normally enjoy. During large epidemics, courts may experience an increase in caseload, if affected individuals or communities seek judicial relief from restrictions imposed by health authorities."

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4. California Court Considerations (cont.)

4.3 Request for Judicial Emergency Orders

- Government Code §68115 authorizes the Chair of the Judicial Council (Chief Justice of CA) to issue judicial emergency orders when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction of or danger to court buildings, renders it necessary, or when a large influx of criminal cases resulting from a large number of arrests within a short period threatens the orderly operation of the courts.

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4. California Court Considerations (cont.)

4.3 Request for Judicial Emergency Orders (cont.)

Depending on the circumstances, Chair can authorize court to do one or more of the following:

- Hold sessions anywhere within the county;
- Transfer civil cases pending to adjacent county court;
- Declare holiday for purposes of computing time under certain statutes;
- Extend the duration of a temporary restraining order;
- Extend the period for holding of preliminary examination;
- Extend the time within which a criminal trial must be held.

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4. California Court Considerations (cont.)

4.3 Request for Judicial Emergency Orders (cont.)

If the President or Governor has declared a state of emergency, then Chair can also authorize court to:

- Extend the period within which a defendant charged with a felony offense must be taken before a magistrate;
- Extend the period within which a minor must be given a detention hearing;
- Extend the time within which an adjudication on a juvenile court petition must be held.

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5. California Court Strategies

Continuity of Operations Plan (COOP)

5.1 Short-Term Strategy – first 90 days

5.2 Long-Term Strategy – after 90 days

5.3 Post-Epidemic Recovery – After Action evaluation

5.4 Mission-Critical Functions

5.5 Workforce Planning – Cross-Training?

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6. California Court Planning

6.1 Key State and Local Relationships

6.2 Legal Preparedness

- Consider implementing protocols that address how persons who are subject to quarantine or isolation may continue to access court resources or legal counsel
- Working with health officials to develop a plan for hearing cases and appeals in the event of quarantine or isolation

6.3 Communications

AOC ERS Guidance: *Epidemics and the California Courts*

6. California Court Planning

6.4 Employee Education and Safety

- Education and Training
- Health and Hygiene
- Prevention
- Facility Maintenance
- Travel

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6. California Court Planning

6.5 Human Resources

- Injury and Illness Prevention Program
- Review Sick leave policies
- Review Insurance policies
- Review Crisis support or employee assistance programs

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6. California Court Planning

6.6 Jury Considerations

- Options:
 - Short-term reductions in the number of jurors summoned each day;
 - Increased use of Internet and telephone communications;
 - Notifying prospective jurors to report directly to courtroom, rather than jury assembly room

6.7 Technology Preparedness

- Technology Disaster Planning

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7. Appendixes

- A. Terms and Definitions
- B. Health Officers by County (and City)
- C. Requesting Judicial Emergency Orders
- D. Planning Checklist
- E. Sample Educational Flyer
- F. Additional Resources
- G. Legal Opinions - Addressing Issues of Court Administration in Epidemic

Epidemics and the California Courts

Available online,

see Guidance and Appendices

<http://www.dhs.ca.gov/ps/dcdc/dcdcindex.htm>

Under Collaborative Projects

Epidemics and the California Courts

To obtain copies contact:

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sara.fisher@jud.ca.gov www.courtinfo.ca.gov

Outcomes

Objective

Recognize the importance and the need for advanced preparedness for extraordinary communicable disease situations that will require a coordinated response to minimize harm to staff and the public.

Appendix G – Judicial Council of California AOC Memo 9/8/06, pg. 2

“Advanced planning and coordination between courts and other public officials are strongly recommended, and should help ensure that courts are able to fulfill their constitutional duties notwithstanding any disruption that an epidemic might cause.”

Epidemics and the California Courts, Oct. 2006

Objective

Identify at least two strategies for improving communications between courts and public health officials for pandemic preparedness planning.

Challenges

- Two separate Branches of Government
- Delicate balance to maintain

Communication Strategies

1. First communicate with the Court staff responsible for internal well-being of staff
2. Next, communicate in advance of the emergency.

Chapter 6 – CA Court Planning

- 6.1 Key State and Local Relationships
 - HHS Pandemic Influenza Plan (Nov. 2005, p. I-4) - establish coordinating committee to oversee epidemic preparedness planning and ensure integration with other emergency planning efforts.

Epidemics and the California Courts, pg. 29

Chapter 6 – CA Court Planning

- 6.1 Key State and Local Relationships
 - “Regardless of whether courts have the personnel or resources to form such a committee, establishing contact with local public health officials is essential for local planning efforts.”

Epidemics and the California Courts, pg. 29

Chapter 6 – CA Court Planning

- 6.1 Key State and Local Relationships
 - “These (local public health) officials should be contacted to:
 - Ensure that the courts are aware of and possibly involved in current local preparedness and planning efforts;
 - Ensure that courts are kept informed of current local efforts; and
 - Ensure that courts are locally prepared to respond to and recover from an epidemic.”

Epidemics and the California Courts, pgs. 29-30; Florida Court Emergency Mgmt Group, Florida State Courts Strategy for Pandemic Influenza (Mar 2006), p. 13.

Chapter 6 – CA Court Planning

- 6.1 Key State and Local Relationships
 - “advance contact with the appropriate health authorities will increase the likelihood that those authorities are aware of the courts’ mission-critical functions, and the resources to carry out those functions.”

Epidemics and the California Courts, pg. 30

Chapter 6 – CA Court Planning

- 6.1 Key State and Local Relationships
 - “The AOC’s Emergency Response and Security Unit (ERS) has established a working relationship with the California Department of Health Services, allowing the AOC to remain engaged in statewide developments. ERS will forward all critical information to the courts.”

Epidemics and the California Courts, pg. 30

Objective

Prioritize elements needed for collaborative workgroup.

Secret to Collaboration Success

- Align Interests
 - Fortunately - both CDPH and AOC were interested in pandemic influenza preparedness planning
- Be patient
 - Early on only our ideas were shared and considered; later when opportunities presented themselves, we were ready to collaborate.
 - Give plenty of time for Approvals

QUESTIONS?

Acknowledgement

A few slides included in this presentation (labeled as such) were based on those provided by Columbia University Center for Public Health Preparedness' Public Health Emergency Preparedness and Training Program.

Website:

<http://cpmcnet.columbia.edu/dept/sph/CPHP/index.html>

Acknowledgements

Special thanks to my co-authors who each contributed in extraordinary ways to this important collaboration effort.

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Thank You