Quarantine Planning Checklist*

Issues regarding consent to treatment may arise in emergency situations involving mandatory treatment, isolation, or quarantine. Federal and state statutes grant public health authorities the power to isolate or quarantine in certain circumstances. Quarantine of health care workers is a related issue that is also critical for preparedness. The following checklist will help facilitate preparations for isolation or quarantine issues.

✓ Has the organization reviewed CDC’s quarantine guidance?

✓ How does the organization’s state law define a medical emergency in which public health officials may require individuals to receive vaccinations, screening, or treatment?

✓ Do the organization’s state public health laws provide for the imposition of mandatory isolation or quarantine for certain contagious diseases?

✓ Do such state mandatory screening or isolation/quarantine laws permit individuals to refuse treatment for certain reasons? If so, for what reasons may an individual legally refuse to comply? What are the limitations of an individual’s ability to refuse to comply?

✓ Does the organization have policies and procedures in place for implementing the mandatory treatments, screenings, quarantines, or isolation, as well as for informing individuals or surrogate decision-makers (when possible) of the orders?

✓ Has the organization evaluated the need for additional intake capabilities to receive a large numbers of patients? Has the organization developed a process for ensuring that critically limited supplies are not diverted? Has the organization worked with other providers, including EMS providers, regarding diversion criteria during an influenza pandemic?

✓ Are the organization’s health care professionals prepared to implement quarantine policies and procedures?

✓ Do physicians have a standard plan for quarantine and isolation implementation? Are physicians aware of the legal rights and remedies available to those in state-ordered isolation or quarantine?

✓ Are physicians prepared to contend with individuals who refuse to comply with isolation and quarantine orders, or other orders?

✓ Can the entity require employees to work in a quarantine area? If so, is the requirement incorporated into employee job descriptions?

✓ Does the entity include equipment availability (e.g., personal protective equipment), proper vaccination if available, employee training, and universal precautions practices as part of its infection control program?

✓ What is an employer’s liability for employees harmed as a result of work in a quarantine setting?

*Adapted from the Community Pan-Flu Preparedness: A Checklist of Key Legal Issues for Health Care Providers (2015). © 2020 American Health Lawyers Association. All rights reserved.