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Is Connecticut Prepared for the Coronavirus (COVID-19)?

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The Centers for Disease Control and Prevention is currently responding to the outbreak of Coronavirus Disease 2019 (COVID-19) in the U.S. While as of the date of this Alert there have been no confirmed cases of the virus in Connecticut, Governor Lamont recently reported that the State continues to ramp up its prevention efforts and to organize necessary resources to respond to a potential pandemic.

This post explores generally the steps the Governor and state and local health authorities could take regarding isolation and quarantine.

What is the Difference Between Isolation and Quarantine?

“Isolation” is the term used when the confined individuals are infected with a communicable disease, while “quarantine” is the term used when the confined individuals have been exposed to a communicable disease.

Can Connecticut Order Individuals Exposed to the COVID-19 Virus to be Quarantined?

Yes, but before a quarantine or isolation order can be issued, the Governor must first declare a “public health emergency,” meaning an occurrence or imminent threat of a communicable disease, an epidemic or a pandemic that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

If the Governor declares a public health emergency, he may authorize the Commissioner of the Department of Public Health (DPH) to isolate or quarantine persons whom the Commissioner has reasonable grounds to believe are infected with or exposed to a communicable disease or are at reasonable risk of having a communicable disease or of passing a communicable disease to other persons.

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What Standards must the DPH Commissioner Adhere to When Isolating or Quarantining Persons?

The Commissioner must determine that the individuals pose a significant threat to the public health and that confinement is necessary and the least restrictive means necessary to prevent the spread of a communicable disease. When confining individuals, there are a number of conditions that the DPH Commissioner must observe, including that:

- Quarantined individuals must be confined separately from isolated individuals;
- The health status of quarantined or isolated individuals must be monitored frequently (and a quarantined individual who becomes infected must promptly be moved to isolation);
- Quarantined or isolated individuals must be immediately released when they are no longer infectious or upon court order;
- The needs of quarantined and isolated individuals must be addressed in a systematic and competent fashion;
- The premises used for confinement must be maintained in a safe and hygienic manner;
- To the extent possible, family members and members of a household must be kept together, and guardians must stay with their minor wards; and
- To the extent possible, cultural and religious beliefs must be considered in addressing the needs of individuals and establishing and maintaining premises used for confinement.

In addition, individuals subject to quarantine or isolation must be informed that they have the right to consult an attorney and to a hearing before the Probate Court. Confined individuals have the right to appeal a decision of the Probate Court to the Superior Court.

What About Local Laws? Can a Town or City Order Quarantine or Isolation for a Disease Like COVID-19?

Yes. The health director of a Connecticut town, city, borough or district has the power to isolate or quarantine an individual whom the director reasonably believes to be infected with a communicable disease without making an emergency declaration, if the director determines that the individual poses a substantial threat to the public health. However, if the Governor declares a public health emergency, the local authority must comply with and carry out any order the DPH Commissioner issues.

Questions?

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Please contact Stephen Cowherd, Michael Kurs or other members of Pullman & Comley's Health Care Department on the public health issues discussed above. Pullman & Comley's Labor & Employment Department will also be following up with an Alert on the impact of COVID-19 on businesses and employees.

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