

CERRO GORDO COUNTY, IOWA

ORDINANCE 38A
INFLUENZA PREPAREDNESS AND RESPONSE
ORDINANCE

Effective Date:

July 26, 2005

TABLE OF CONTENTS

SECTION 1: DEFINITIONS.....3
SECTION 2: AUTHORIZED PRIORITY ACTIVITIES3
SECTION 3: COUNTY-WIDE INFLUENZA COALITION COMPOSTION4
SECTION 4: REQUIREMENTS AND PROFESSIONAL STANDARDS FOR
PROVIDING INFLUENZA VACCINE TO THE GENERAL PUBLIC4
SECTION 5: POWERS AND AUTHORITY5
SECTION 6: ENFORCEMENT5
SECTION 7: VACCINE DISTRIBUTION ALLOCATION AND
ADMINISTRATION ORDER5
SECTION 8: REFUSAL OF ADMITTANCE6
SECTION 9: NOTICE.....6
SECTION 10: PENALTIES6
SECTION 11: COURT ORDER7
SECTION 12: APPLICABILITY7
SECTION 13: EMERGENCY RULES7
SECTION 14: DISCRETIONARY IMMUNITY7
SECTION 15: AMENDMENTS8
SECTION 16: SEVERABILITY8
SECTION 17: REGULATION EFFECTIVE UPON PUBLICATION8

A regulation governing good public health practice and policy to establish a high level of preparedness and response to and mitigation of the health and social consequences of influenza vaccine supply shortage and/or delay. The purpose is to limit mortality among high-risk groups; to reduce morbidity in the general population; and to minimize social disruption and economic losses in Cerro Gordo County, Iowa and provide penalties for violation of the provisions hereof.

The Cerro Gordo County Board of Health, hereby adopts the following regulation to wit;

SECTION 1: DEFINITIONS

- 1.1 “BOARD OF HEALTH” the Cerro Gordo County Board of Health.
- 1.2 “DELAY” vaccine anticipated delivery date exceeding 30 days or more from date of initial scheduled influenza clinics.
- 1.3 “DEPARTMENT” the Cerro Gordo County Department of Public Health, or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these regulations.
- 1.4 “EPIDEMIC” the occurrence in a community or region of cases of an illness with a frequent clearly in excess of normal expectancy.
- 1.5 “INFLUENZA” an acute highly contagious viral disease caused by various strains of a myxovirus and characterized by sudden onset fever, prostration, severe aches and pains, and progressive inflammation of the respiratory mucous membrane.
- 1.6 “PERSON” any individual, public or private health care agency, governmental or non-governmental agency or independent contractor.
- 1.7 “SHORTAGE” anticipated receipt of vaccine supply less than 60 percent of original order.

SECTION 2: AUTHORIZED PRIORITY ACTIVITIES

- 2.1 Create a county-wide influenza coalition.
 - 2.1.1 Ensure that all relevant organizations in the public and private sector actively participates in the planning and policy development process.
- 2.2 Develop and implement an “Influenza Contingency Plan” (Reference Attachment A) that set forth the following guiding principles:
 - 2.2.1 Establish prioritization method of administering the influenza vaccine to high-risk individuals first and low-risk last. The plan will be reviewed

annually, updated annually if conditions warrant and will not require amendment proceedings.

- 2.2.2 Develop a command structure and line of authority and communication for managing day-to-day activities during influenza vaccine shortage and/or delay or influenza epidemic.
 - 2.2.3 Develop a comprehensive communication plan for effective interaction with the media, medical community, the general public and bordering jurisdiction.
 - 2.2.4 Develop protocol for emergency preparedness, including the provision of adequate medical care and preservation of essential community services.
 - 2.2.5 Develop an influenza vaccine availability and redistribution information network.
 - 2.2.6 Develop and initiate a pneumonia and antiviral drug distribution and vaccination plan.
- 2.3 Enhance an influenza disease-based surveillance system.
 - 2.4 Create a local community-wide health alert network system.

SECTION 3: COUNTY-WIDE INFLUENZA COALITION COMPOSITION

- 3.1 County-wide influenza coalition shall be comprised of at least one representative from each public and private entity responsible for the distribution and/or administration of the vaccine.
 - 3.1.1 Coalition composition in the event of no delay in receipt of adequate vaccine supply should consist of direct patient care provider, clinic or nurse manager, program manager, pharmacy manager, or long-term care facility manager from each entity.
 - 3.1.2 Coalition composition in the event of a vaccine delay or shortage as defined in Section 1 – Definition shall consist of appointed personnel authorized to make immediate decision(s) on behalf of the entity they represent. This coalition will assist with executing emergency rule(s) adopted by the Department and/or Board of Health.

SECTION 4: REQUIREMENTS AND PROFESSIONAL STANDARDS FOR PROVIDING INFLUENZA VACCINE TO THE GENERAL PUBLIC

- 4.1 Any person providing influenza vaccine to the general public shall:

- 4.1.1 Contact the Department at least 48 hours prior for approval to provide influenza vaccine to the general public. Approval will be based on ability to comply with provision of this Ordinance to include, but not limited to, the high-risk individual prioritization method.
- 4.1.2 Complete the high-risk individual prioritization method checklist to include individual name, address, date of birth, physician name, vaccine lot number and signature and provide to the Department within seven (7) days upon administering the vaccine. Reference Attachment B.
- 4.1.3 Adhere to the Occupational Safety and Health Administration Bloodborne Pathogen Standard 29 CFR 1910.1030.

SECTION 5: POWERS AND AUTHORITY

- 5.1 Code of Iowa, Chapter 137 – Local Board of Health, 137.6 – Additional Powers of Local Boards, Subsection 2 states, “Make and enforce such reasonable rules and regulations not inconsistent with law or with the rules of the state board as may be necessary for the protection and improvement of the public health.”
- 5.2 Code of Iowa, 331.301 – General Powers and Limitations, Subsection 1 states, “A county may, except as expressly limited by the Constitution, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent county power.”

SECTION 6: ENFORCEMENT

- 6.1 It shall be the duty and responsibilities of the Board of Health to enforce the provision of this regulation, however, this duty may be delegated to an authorized representative. The Ordinance may be enforced by either issuing a civil citation for a county infraction or by issuing a criminal citation, or both, for a violation of the County Ordinance, and/or violation of 137.21 of the Iowa Code 2001.

SECTION 7: VACCINE DISTRIBUTION ALLOCATION AND ADMINISTRATION ORDER

- 7.1 In the event of an influenza vaccine delivery delay or shortage, or in the event an influenza vaccine delivery delay or shortage is imminent, the department may issue an order controlling, restricting, or otherwise regulating the distribution allocation and administration of the vaccine. The order may designate groups of persons which shall receive priority in administration of the vaccine and may

prohibit vaccination of persons who are not included in a priority designation. The order shall be applicable to health care providers, hospitals, clinics, pharmacies, health care facilities, local boards of health, public health agencies, local businesses contracting services, and other persons or entities that distribute or administer vaccines.

SECTION 8: REFUSAL OF ADMITTANCE

- 8.1 In the event that the Department, in proceeding to enter any premises for the purpose of investigating possible violation(s) or making an inspection to carry out the provisions of this regulation, shall be refused entry, a complaint may be made under oath to the District Court in the County and said Court thereupon may issue a warrant directed to some peace officer of the County, commanding him/her between the hours of sunrise and sunset, accompanied by the Department, to enter upon the premises and make such inspection, and to obtain such samples as may be required to carry out the provisions of this Ordinance.

SECTION 9: NOTICE

- 9.1 Whenever the Department determines that there are reasonable grounds to believe there has been a violation of any provision of this regulation, the Department shall give notice of such alleged violation to the person or persons responsible, as herein provided. Such notice shall:
- (A) Be in writing.
 - (B) Include a statement of the reason why it is being issued.
 - (C) Allow reasonable time for performance of any act it requires.
 - (D) Be served upon the person(s), or their agent, officer or employee, engaging in an act or practice deemed to be a violation, as the case may require. Such notice shall be deemed to be properly served if a copy is sent by certified mail to the last known address, or if personal service is made at any other known address upon the violator or any other resident thereof, or upon any agent, officer or employee of the purported violator, or if service is made by any other method authorized or required by the laws of this state.

SECTION 10: PENALTIES

- 10.1 Any individual, public or private health agency, governmental or nongovernmental agency or independent contractor violating any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than one hundred dollars (\$100) or by imprisonment of not more than thirty (30) days and shall be guilty of a county infraction punishable by a civil penalty of not more than five hundred dollars (\$500) or if the infraction is a repeat offense by a civil

penalty not to exceed seven hundred fifty dollars (\$750). Each day that a violation occurs or is permitted by the defendant to exist, constitutes a separate offense.

SECTION 11: COURT ORDER

11.1 Whenever in the judgement of the Board of Health or the Department any person that has engaged or is about to engage in any acts or practices which constitutes or will constitute a violation of this Ordinance, application may be made to the appropriate court to grant relief to abate or halt the violation, or both.

SECTION 12: APPLICABILITY

12.1 Provisions contained herein are applicable to all individuals, public or private health care agencies, governmental or nongovernmental agencies and independent contractors residing in or enter in Cerro Gordo County.

SECTION 13: EMERGENCY RULES

13.1 An emergency rule for the enforcement of this ordinance may be adopted by the Department upon notifying the Board of Health or by the Board of Health if the Department or Board of Health finds that there exists a potential or immediate danger to the public health, safety or welfare. The scope of such rule shall be limited to the circumstances creating an emergency and at the time of adoption, the Department or Board of Health shall file the rule with the Board of Supervisors.

13.2 An emergency rule shall state the period during which it is in effect. An emergency rule is not renewable, although the Department or Board of Health may at any time adopt an identical rule under the normal emergency rules procedures.

13.3 The emergency rule shall take effect immediately upon filing with the Board of Supervisors and shall be posted on the Department's official posting site and at all locations where influenza vaccine is administered.

SECTION 14: DISCRETIONARY IMMUNITY

14.1 A health care provider, hospital, clinic, pharmacy, health care facility, local board of health, public health agency, local business/contracting service, or other persons or entities that distribute or administer vaccines shall not be civilly liable in any action based on a failure or refusal to distribute or administer an influenza vaccine to any person if the failure or refusal to distribute or administer the vaccine was consistent with a department order issued pursuant to Section 7.

SECTION 15: AMENDMENTS

15.1 Amendments and additions to this Ordinance shall be made as required by Iowa Chapter 137.6. The Board of Health shall propose amendments and additions to this regulation to the Board of Supervisors whenever the Board of Health determines such changes are necessary to fulfill the purpose of this regulation.

SECTION 16: SEVERABILITY

16.1 In the event that any particular section, paragraph, clause or provision of this Ordinance should be declared invalid or unconstitutional by the court of competent jurisdiction, the remaining provision of this Ordinance shall be in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

SECTION 17: REGULATION EFFECTIVE UPON PUBLICATION

17.1 This regulation being deemed essential and imperative for the preservation of public health, shall be in force and effect from and after its passage and publication as provided by law.

Approved by the Cerro Gordo
County Board of Health

Adopted by the Cerro Gordo
County Board of Supervisors
July 26, 2005

First Consideration on July, 26, 2005
Effective on July 26, 2005 (see September 20, 2005 minutes)