

**TITLE XX (20) - YAKAMA NATION COMMUNICABLE DISEASE CODE**

**CHAPTER 20.01 – GENERAL PROVISIONS**

**20.01.010: INTENT**

It is the intent of the Yakama Nation to protect the health of our elders, our children, and all community members to the greatest extent possible through the Yakama Nation’s public health capabilities while respecting individual rights to dignity, health information privacy, due process, and other legally-protected interests. This Communicable Disease Code provides the processes and actions necessary for the Yakama Nation to exercise its sovereign authority to prevent and control communicable diseases on Yakama lands.

[Annotation: Enacted by T-086-20]

**20.01.020: PURPOSES**

The purposes of this Title are to:

- 1) Strengthen tribal sovereignty by exercising the Yakama Nation’s inherent power to prevent, detect, manage, and contain health threats caused by control communicable disease;
- 2) Protect the Yakama Nation from unwanted and illegal encroachment of State and local jurisdiction or authority on Yakama lands;
- 3) Ensure that the needs of infected or exposed persons are properly addressed to the fullest extent possible;
- 4) Establish procedures for protecting due process; and
- 5) Provide fair and appropriate penalties for violations of the provisions of this Title, as well as declare immunities of specific actors where justified.

[Annotation: Enacted by T-086-20]

**20.01.030: DEFINITIONS**

- 1) “Bioterrorism” means a disease caused by viruses, bacteria, fungi, or toxins from living organisms that are used by man to intentionally produce death or disease in humans, animals, or plants. Many of these diseases may have nonspecific presenting symptoms.



- 2) “Case” means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with a diagnosis based on clinical or laboratory criteria or both.
- 3) “Childcare facility” means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing and regulation.
- 4) “Communicable disease” means an illness caused by an infectious agent, biological toxin, chemical, or radiological material which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.
- 5) “Community members” mean all persons residing, working, or visiting within the Yakama Reservation.
- 6) “Contaminated” or “contamination” means containing or having contact with infectious agents, biological toxin, chemical, or radiological materials that pose an immediate threat to present or future public health.
- 7) “Control measures” means the management of persons, animals, goods, and facilities in a manner to prevent the transmission of a communicable disease to humans, or in a manner to avoid human exposure to contaminants, prevent the contaminant from spreading, or effect decontamination.
- 8) “Detention” means physical restriction of activities of an individual by confinement for the purpose of controlling or preventing a serious and imminent threat to public health and may include physical facilities, equipment, or personnel to physically restrict activities of the individual to accomplish such purposes.
- 9) “Health care provider” means any person having direct or supervisory responsibility for the delivery of health care including, but not limited to, behavioral health providers, hospitals, medical clinics and offices, special care facilities, long term care facilities, dialysis centers, public health services personnel, physicians, pharmacists, dentists, physician assistants, nurse practitioners, paramedics, emergency medical services personnel, veterinarians, and wildlife biologists.



- 10) “Health care facility” means any building that is used, operated, or designed to provide health services, medical treatment, behavioral health services, dental services, nursing, rehabilitative, or preventive care to any individual.
- 11) “Infectious agent” means an organism such as a virus, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.
- 12) “Isolation” means the physical separation of infected or contaminated persons or animals for the period of communicability or contamination in order to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others.
- 13) “Local health department” means a city, town, county, or district agency in the States of Washington and Oregon providing public health services to persons within their area.
- 14) “Outbreak” means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.
- 15) “Protected Health Information” means any information, whether oral, written, electronic, visual, or any other form, that relates to an individual’s past, present or future physical or mental health status, condition, treatment, service, products purchased or provision of care, and that reveals the identity of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe such information could be utilized to reveal the identity of that individual.
- 16) “Public health emergency” means an occurrence or imminent threat of an illness or health condition that:
  - a) is believed to be caused by any of the following:
    - i) bioterrorism;
    - ii) the appearance of a novel or previously controlled or eradicated communicable disease; or
    - iii) natural disaster, chemical attack or accidental release, or nuclear attack or accident;that



- b) poses a high probability of any of the following harms:
  - i) a large number of deaths in the affected population;
  - ii) a large number of serious or long-term disabilities in the affected population;
  - iii) widespread exposure to a communicable disease that poses a significant risk of substantial future harm to a large number of people in the affected population; or
  - iv) otherwise exceeding the capability or capacity of the public health or healthcare systems.

17) “Quarantine” means the limitation of freedom of movement of such persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed.

18) “Suspected case” or “suspected to be infected” means an individual the Tribal Health Officer, in their professional judgment, reasonably believes is infected with a particular infectious agent based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

19) “Tribal Court” means any court of the Confederated Tribes and Bands of the Yakama Nation.

20) “Tribal Health Officer” means the individual having been appointed under this Title as the public health officer for the Yakama Nation.

21) “Yakama Nation” means the Confederated Tribes and Bands of the Yakama Nation.

[Annotation: Enacted by T-086-20]

#### **20.01.040: GENERAL AUTHORITY AND JURISDICTION**

This RYC Title is adopted under the authority of the Yakama Nation Tribal Council to promote and protect the health and welfare of the members of the Yakama Nation. This RYC Title applies to the fullest extent of the Yakama Nation’s civil and criminal jurisdiction over enrolled Yakama Members, non-member Indians, and non-Indians throughout the Yakama Reservation, off-Reservation Trust Allotments, and lands described in Article I of the Treaty with the



Yakamas of June 9, 1855, 12 Stat. 951.

[Annotation: Enacted by T-086-20]

**20.01.050: REMEDIES OUTSIDE OF THIS CHAPTER**

- 1) Nothing in this Title shall preclude the Yakama Nation from filing criminal charges arising from the same act alleged under this Title.
- 2) A petition for involuntary Isolation or Quarantine under this Title may be made regardless of whether or not there is a similar pending action by another jurisdiction.

[Annotation: Enacted by T-086-20]

**20.01.060: SEVERABILITY**

If any paragraph, section, or provision of this Title shall be declared invalid by a court of competent jurisdiction for any reason, that paragraph, section, or provision shall be severed from the remainder of this Title and the validity of the remainder of this Title shall not be affected by such decision.

[Annotation: Enacted by T-086-20]

**CHAPTER 20.02 – PUBLIC HEALTH POWERS**

**20.02.010: RESPONSIBILITIES AND DUTIES OF TRIBAL HEALTH OFFICER**

- 1) The Tribal Health Officer is authorized to use the powers and procedures set forth under this Title to prevent the spread of communicable disease and protect the health and safety of Yakama Nation community members.
- 2) The Tribal Health Officer is empowered to receive reports of any events that may indicate the existence of a case or outbreak of an illness, condition, or health hazard that may have been caused by communicable disease or chemical agents.
- 3) The Tribal Health Officer shall, when necessary, conduct and direct investigations and institute disease control and contamination control measures consistent with those most



recently published by the American Public Health Association, or other measures they deem necessary based on their professional judgment, current standards of practice, and the best available medical and scientific information.

- 4) The Tribal Health Officer is authorized to examine, review, and obtain a copy of records containing Protected Health Information, or a summary of pertinent portions of those records, that pertain to a report authorized by or required in this Title. The Tribal Health Officer shall review and determine appropriate action for:
  - i) Each reported case or suspected case of a notifiable condition;
  - ii) Any disease or condition considered a threat to public health; and
  - iii) Each reported outbreak or suspected outbreak of disease, requesting assistance from local, state, and federal agencies in carrying out investigations when necessary.
- 5) The Tribal Health Officer is authorized to inform community members how to protect themselves during a Public Health Emergency and what actions are being taken to control the emergency. The Public Health Officer shall provide information by all available and reasonable means calculated to bring the information promptly to the attention of community members.
- 6) The Tribal Health Officer is empowered to notify the Yakama Nation's law enforcement officers so that they may enforce orders authorized under this Title, particularly when individuals fail to abide by such orders.
- 7) The Tribal Health Officer, with Yakama Nation Tribal Council approval, may seek agreements as necessary with local governments, federal authorities, tribal organizations, private entities, state agencies, or institutions of higher education to coordinate or provide public health activities to prevent the spread of communicable disease or contamination.
- 8) The Tribal Health Officer shall establish, in consultation with the Yakama Nation Tribal Council, health care providers, health facilities, emergency management personnel, Yakama Nation law enforcement, and any other entity they deem necessary, plans, policies, and procedures for instituting emergency measures necessary to prevent the spread of communicable disease or contamination.



- 9) The Tribal Health Officer may delegate his or her authority under this Section to one or more Health Care Providers employed by the Yakama Nation. Such delegation must be in writing and authorized by the appropriate policy oversight Committee of Tribal Council.

[Annotation: Enacted by T-086-20]

## **CHAPTER 20.03 – NOTIFIABLE CONDITIONS**

### **20.03.010: PURPOSE OF NOTIFIABLE CONDITIONS REPORTING**

The purpose of notifiable conditions reporting is to provide the information necessary for the Yakama Nation, the States of Washington and Oregon as may be applicable, and local jurisdictions to protect the community's health by tracking communicable diseases and other conditions.

[Annotation: Enacted by T-086-20]

### **20.03.020: NOTIFIABLE CONDITIONS LIST**

The Tribal Health Officer shall establish a list of reportable diseases or other conditions of public health importance. The list may include diseases or conditions of humans or animals caused by exposure to toxic substances, microorganisms, or any other pathogens. The Tribal Health Officer may rely upon the Washington State Department of Health official list of notifiable conditions in meeting this requirement. The Tribal Health Officer shall widely distribute the notifiable conditions list and post it in public locations.

[Annotation: Enacted by T-086-20]

### **20.03.030: INFORMATION SHARING**

- 1) The Tribal Health Officer is authorized to report to the local health department, Washington State Department of Health, Oregon Health Authority, and the Indian Health Service any information concerning a reportable disease or condition, an unusual cluster, or a suspicious event that they reasonably believe has the potential to be caused by or an indicator or bioterrorism. These may include the following:
  - a) A single diagnosed or strongly suspected case of disease caused by an uncommon agent or a potential agent of bioterrorism occurring in a patient with no known risk factors;



- b) A cluster of patients presenting with a similar syndrome that includes unusual disease characteristics or unusually high morbidity or mortality without an obvious cause; or
  - c) Unexplained increase in a common syndrome above expected levels.
- 2) Sharing of information on reportable conditions, unusual clusters, or suspicious events with state and local public health authorities shall be restricted to the information necessary for the treatment, control, investigation, and prevention of a public health emergency.

[Annotation: Enacted by T-086-20]

#### **20.03.040: PERSONS REQUIRED TO REPORT**

Any person (including health care providers, pharmacists, laboratories, coroners, medical examiners, and veterinarians) who is required by the Tribal Health Officer to report a disease or other condition of public health importance to the Tribal Health Officer shall provide all known or suspected cases of individuals having a reportable disease or condition. Any other person who knows or suspects a case of a reportable disease or condition may provide available information concerning the case to the Tribal Health Officer.

[Annotation: Enacted by T-086-20]

#### **20.03.050: RESPONSIBILITIES OF A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY**

- 1) Health care providers and health care facilities located throughout the Yakama Nation's jurisdiction shall:
- a) Notify the Tribal Health Officer regarding:
    - i) Cases or suspected cases of notifiable conditions listed by the Tribal Health Officer or the Washington State Department of Health;
    - ii) Outbreaks or suspected outbreaks of disease that occur or are treated in the health care facility including, but not limited to, suspected or confirmed outbreaks of varicella, coronavirus, influenza, viral meningitis, health care-associated infection suspected due to contaminated products or devices, or environment-related disease; and





- iii) Known barriers which might impede or prevent compliance with orders for infection control or quarantine.
- b) Immediately upon becoming aware of a possible case of a condition designated as “immediately notifiable” by the Tribal Health Officer or Washington State Department of Health, notify the Tribal Health Officer in person or by phone. This applies twenty-four hours a day, seven days a week. If the health care provider or facility is unable to contact the Tribal Health Officer, they shall contact the Yakima County local health jurisdiction or the Washington State Department of Health who both maintain an after-hours emergency phone contact for this purpose. A party sending a report by secure facsimile copy or secure electronic transmission during normal business hours must confirm immediate receipt by a live person.
- c) Cooperate with the Tribal Health Officer during investigation of:
  - i) Circumstances of a case or suspected case of a notifiable condition or other communicable disease; and
  - ii) An outbreak or suspected outbreak of disease.
- 2) A health care provider or health care facility who makes a report pursuant to this Title or permits examination, review, or copying of medical records is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of complying with this Title.

[Annotation: Enacted by T-086-20]

**20.03.060: HANDLING CASE REPORTS AND MEDICAL INFORMATION**

- 1) All Protected Health Information, whether publicly or privately maintained, that identifies a person who has or may have a disease or condition required to be reported as an communicable disease shall be strictly confidential.
- 2) The Tribal Health Officer shall establish and maintain confidentiality procedures related to handling of all reports of cases and suspected cases, prohibiting disclosure of report information identifying an individual case or suspected cases except under the following circumstances:



- a) Release is made to employees of a tribal, federal, state or local public health agency, or other official agencies needing to know for the purpose of administering the requirements under this Title;
  - b) Release is made to health care providers, specific designees of health care facilities, laboratory directors, and others for the purpose of collecting additional information about a case or suspected case as required for disease prevention and control;
  - c) Release is made pursuant to subpoena or court order;
  - d) Release is made to a judicial or a law enforcement officer of the Yakama Nation for the purpose of enforcing this Title.
  - e) Release is made for any other allowable disclosure made pursuant to Health Insurance Portability and Accountability Act of August 21, 1996, Pub. L. 104-191, 110 Stat. 1936.
- 3) The Tribal Health Officer may release statistical summaries and epidemiological studies based on individual case reports if no individual is identified or identifiable.

[Annotation: Enacted by T-086-20]

### **20.03.070: RESPONSIBILITIES OF SCHOOLS AND CHILDCARE FACILITIES**

All schools and childcare facilities located throughout the Yakama Nation's jurisdiction shall:

- 1) Notify the Tribal Health Officer of cases, suspected cases, outbreaks, and suspected outbreaks of notifiable conditions that may be associated with the school or childcare facility.
- 2) Cooperate with the Tribal Health Officer in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of disease that may be associated with the school or childcare facility.
- 3) Release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.

[Annotation: Enacted by T-086-20]

### **20.03.080: RESPONSIBILITIES OF COMMUNITY MEMBERS**

All community members shall:



- 1) Cooperate with the Tribal Health Officer or their designee in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of notifiable conditions or other communicable disease;
- 2) Cooperate with the implementation of infection control measures, including isolation and quarantine; and
- 3) Notify the Tribal Health Officer of any case, suspected case, outbreak, or potential outbreak of communicable disease.

[Annotation: Enacted by T-086-20]

## **CHAPTER 20.04 – ISOLATION AND QUARANTINE**

### **20.04.010: CONDITIONS AND PRINCIPLES FOR ISOLATION OR QUARANTINE**

The Tribal Health Officer shall adhere to the following conditions and principles when isolating or quarantining a person or group of persons under this Chapter:

- 1) Isolation or quarantine must be by the least restrictive means necessary and available to prevent the spread of a communicable disease to others and may include, but are not limited to, confinement to private homes or other public or private premises;
- 2) Isolated individuals must be confined separately from quarantined individuals;
- 3) The health status of isolated or quarantined individuals must be monitored regularly, to determine if they require continued isolation or quarantine;
- 4) If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable disease that the Tribal Health Officer believes poses a significant threat to the health and safety of other quarantined individuals, they must promptly be placed in isolation;
- 5) Isolated or quarantined individuals must be released as soon as the Tribal Health Officer determines that they have been successfully decontaminated or that they pose no substantial



risk of transmitting a communicable disease that would constitute a serious or imminent threat to the health and safety of others;

- 6) The needs of a person isolated or quarantined must be addressed to the greatest extent possible in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;
- 7) Premises used for isolation or quarantine must be maintained in a safe and hygienic manner, to minimize the likelihood of further transmission of infection or other harm to persons isolated and quarantined;
- 8) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals, and establishing and maintaining isolation or quarantine premises;
- 9) Isolation or quarantine shall not abridge the right of any person to rely exclusively on spiritual means alone to treat a communicable disease in accordance with religious tenets and practices, nor shall anything in this Chapter be deemed to prohibit a person so relying who is infected with a communicable disease from being isolated or quarantined in a private place of their own choice, provided, it is approved by the Tribal Health Officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with.

[Annotation: Enacted by T-086-20]

#### **20.04.020: VOLUNTARY ISOLATION OR QUARANTINE**

- 1) The Tribal Health Officer may order an individual or group of individuals in writing to voluntarily isolate or quarantine. The Tribal Health Officer may issue a Voluntary Isolation Order or a Voluntary Quarantine Order, as needed. Said Orders shall be personally served on any person subject to the Orders. The Tribal Health Officer may also establish and maintain places of Isolation or Quarantine, set rules, and make orders subject to XX.04.010.
- 2) The Tribal Health Officer may authorize Health Care Providers or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals. No person, other than a person authorized by the Tribal Health Officer, shall enter isolation or quarantine premises. Any person entering an isolation or



quarantine premises with or without authorization may also be ordered to voluntarily isolate or quarantine by the Tribal Health Officer.

- 3) Persons subject to voluntary isolation or quarantine for the protection of the public health shall obey the Tribal Health Officer's rules and orders and shall not go beyond the isolation or quarantine premises.
- 4) Voluntary isolation or quarantine should always be used as a first option UNLESS the Tribal Health Officer has determined in their professional judgment that:
  - a) Seeking voluntary compliance would create a risk of serious harm;
  - b) There is reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken immediately; and
  - c) There is reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation or quarantine.

[Annotation: Enacted by T-086-20]

#### **20.04.030: INVOLUNTARY ISOLATION OR QUARANTINE**

- 1) At their sole discretion, the Tribal Health Officer may petition the Tribal Court ex parte for an Involuntary Detention Order authorizing involuntary detention of a person or group of persons for purposes of isolation or quarantine, provided that the Tribal Health Officer:
  - a) Has first made reasonable efforts, which shall be documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination, isolation, or quarantine; or
  - b) Has reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease that could spread to or contaminate others if remedial action is not taken; or



- c) Has reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation or quarantine.
- 2) The petition shall specify:
    - a) The identity of all persons or groups to be subject to isolation or quarantine;
    - b) The premises where isolation or quarantine will take place;
    - c) The date and time at which isolation or quarantine will commence;
    - d) The suspected communicable disease or infectious agent if known;
    - e) The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent if known;
    - f) The measures taken by the Tribal Health Officer to seek voluntary compliance or the basis on which the Tribal Health Officer determined that seeking voluntary compliance would create a risk of serious harm; and
    - g) The medical basis on which isolation or quarantine is justified.
  - 3) The petition shall be accompanied by the declaration of the Tribal Health Officer attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the Tribal Court's consideration.
  - 4) The Tribal Court shall hold a hearing on the ex parte petition within twenty-four (24) hours of filing, exclusive of Saturdays, Sundays, and holidays.
  - 5) The Tribal Court shall issue an ex parte Involuntary Detention Order if there is a reasonable basis to find that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others. The Involuntary Detention Order must include orders requiring Yakama Nation law enforcement officers to transport the respondent(s) to a designated facility for isolation, quarantine, treatment, and care until such time as the Tribal Health Officer determines that the individual's condition is such that it is safe for the individual to be discharged from the facility or issue other relief as necessary to protect the public health.



- 6) A hearing on the ex parte Involuntary Detention Order shall be conducted in the Tribal Court within seventy-two (72) hours of the respondent's detention. At its discretion, the Tribal Court may require the 72-hour hearing and any subsequent hearings to be conducted by telephonic hearing or remote video hearing in accordance with applicable court rules or procedures.
  - a) The Tribal Health Officer shall have the burden of proving the allegations set forth in the petition by a preponderance of the evidence. The respondent shall have the right to an attorney at any hearing held on the petition, cross-examine witnesses, and present evidence.
  - b) At the conclusion of the 72-hour hearing, the Tribal Court shall consider the evidence, the action taken by the Tribal Health Officer to secure voluntary compliance by the respondent, and the purpose and intent of this Chapter, and may take one of the following actions:
    - i) If the Tribal Court finds there is reason to believe that the respondent has been exposed to a communicable disease, the Court may enter an order requiring that the person be subjected to further examination, testing, and treatment as specified in the Tribal Court's order. If the Tribal Court finds that further involuntary isolation or quarantine of the respondent is necessary in order to assure that the examination, testing, and treatment occurs, or to protect the public health the Tribal Court may order that the respondent be involuntarily isolated or quarantined for an additional period not to exceed forty-five (45) days.
      - (1) The results of testing conducted under this Chapter shall be provided to the Tribal Court and the respondent or his or her legal counsel as soon as they are available to the Tribal Health Officer. The Tribal Court may then conduct an additional hearing to determine whether the respondent is a confirmed case of a communicable disease and, if so, whether further measures are necessary to protect the public health pursuant to (ii) or (iii) of this Subsection.
      - ii) If the Tribal Court finds that the respondent is a confirmed case of a communicable disease, that further measures less restrictive than involuntary isolation or quarantine



- are necessary to assure that appropriate treatment is implemented, and that imposition of less restrictive measures will be sufficient to protect the public health, then the Court may enter an order setting forth such measures and ordering the respondent to comply with the measures.
- iii) If the Tribal Court finds that the respondent is a confirmed case of a communicable disease, that further involuntary isolation or quarantine of the respondent is necessary to protect the public health, and that imposition of less restrictive measures will not be sufficient to protect the public health, then the Court may order that the respondent be involuntarily isolated, quarantined, and treated for an additional period not to exceed forty-five (45) days.
  - iv) If the Tribal Court finds that there is insufficient evidence to support the petition for involuntary isolation or quarantine, then the Court shall order the immediate release of the respondent from involuntary isolation or quarantine.
- c) An individual subject to involuntary isolation or quarantine under this Section may be released prior to expiration of the involuntary isolation or quarantine if the Tribal Health Officer or the Tribal Court finds that less restrictive measures are sufficient to protect the public health. The Tribal Court may impose such conditions on the release of the person as the Tribal Court finds necessary to protect the public health. A person isolated or quarantined under this Chapter may also petition the Tribal Court for release based upon new evidence or a change in circumstances.
- d) The Tribal Court may extend a period of involuntary isolation or quarantine for additional periods not to exceed one hundred-eighty (180) days each following a hearing, if the Tribal Court finds that the requirements of this Subsection have been met and if the Tribal Court finds that further isolation or quarantine is necessary to assure that appropriate treatment is implemented, and that imposition of less restrictive measures are not sufficient to protect the public health. As an alternative to extending the period of isolation or quarantine, if the Tribal Court finds after hearing that further measures less restrictive than isolation or quarantine are necessary to assure that appropriate treatment is continued, and that imposition of less restrictive measures will be sufficient to protect





the public health, the Court may enter an order setting forth the measures and ordering the respondent to comply.

- e) In the event that a person has been released from involuntary isolation or quarantine prior to completion of the prescribed course of treatment and fails to comply with the prescribed course of treatment, the Tribal Court may order the person involuntarily isolated or quarantined for an additional period or periods, not to exceed one hundred-eighty (180) days each, as the Tribal Court finds necessary to protect the public health. Tribal Court orders entered under this Subsection shall be entered only after a hearing at which the respondent is accorded the same rights as at the 72-hour hearing on the petition for involuntary isolation or quarantine.
- f) When a Tribal Court order authorizing involuntary detention of a person or group of persons for purposes of isolation or quarantine is issued, the transporting Yakama Nation law enforcement officer and the receiving facility shall be informed of the infectious status of the person for disease control and the protection of the health of the staff, other offenders and the public. Such information shall be made available prior to the transport.
  - i) Whenever disclosure is made pursuant to this Subsection, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by Tribal and Federal law. Tribal and Federal law prohibits you from making any further disclosure of it except as authorized by Tribal and Federal law."
  - ii) Yakama Nation law enforcement officers shall maintain confidentiality related to the detained person's medical information as defined in this Chapter and Federal law.

[Annotation: Enacted by T-086-20]

#### **20.04.040: ISOLATION OR QUARANTINE PREMISES**

- 1) Entry into isolation or quarantine premises shall be restricted under the following conditions:
  - a) The Tribal Health Officer may authorize physicians, health care workers, or others access to individuals in isolation or quarantine pursuant to XX.04.030 as necessary to meet the needs of isolated or quarantined individuals;



- b) No person, other than a person authorized by the Tribal Health Officer, shall enter isolation or quarantine premises;
  - c) Any person entering isolation or quarantine premises shall be provided with infection control training and may be required to wear personal protective equipment or receive vaccination as appropriate;
  - d) Any person entering isolation or quarantine premises with or without authorization of the Tribal Health Officer may be isolated or quarantined.
- 2) Persons subject to isolation or quarantine and persons entering isolation or quarantine premises shall obey the rules and orders established by the Yakama Nation Tribal Council and the Tribal Health Officer, and failure to do so shall constitute a misdemeanor punishable as provided under XX.04.090.

[Annotation: Enacted by T-086-20]

**20.04.050: RELIEF FROM ISOLATION OR QUARANTINE**

- 1) Any person or group of persons detained by order of a Tribal Health Officer pursuant to XX.04.030 may apply to the Tribal Court for an order to show cause for why the individual or group should not be released.
  - a) The Tribal Court shall rule on the application to show cause within twenty-four hours of its filing.
  - b) If the Tribal Court grants the application, the Tribal Court shall schedule a hearing on the order to show cause as soon as practicable.
  - c) The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.
- 2) An individual or group isolated or quarantined may request a hearing in the Tribal Court for remedies regarding breaches to the conditions of isolation or quarantine required by XX.04.010.
- 3) A request for a hearing shall not stay or enjoin an isolation or quarantine order.



- 4) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the Tribal Court shall fix a date for hearing on the matters alleged as soon as practicable.
- 5) Otherwise, upon receipt of a request under this section, the Tribal Court shall fix a date for hearing on the matters alleged within five days from receipt of the request.
- 6) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, the Tribal Health Officer or their designee may move the Tribal Court to extend the time for a hearing, which extension the Tribal Court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.
- 7) Any hearings for relief under this section involving a petitioner or petitioners judged to be contagious for a communicable disease will be conducted in a manner that utilizes appropriate infection control precautions and minimizes the risk of disease transmission, including but not limited to telephonic hearings or remote video hearings.

[Annotation: Enacted by T-086-20]

#### **20.04.060: RIGHT TO COUNSEL**

A person or group of persons isolated or quarantined pursuant to XX.04.030 has a right to be represented by counsel if they so elect. The Tribal Health Officer must provide adequate means of communication between such persons or groups and their counsel.

[Annotation: Enacted by T-086-20]

#### **20.04.070: CONSOLIDATION**

In any proceedings brought pursuant to this Chapter, to promote the fair and efficient operation of justice and having given due regard to the rights of affected persons, the severity of the threat to the public's health, and the availability of necessary witnesses and evidence, the Tribal Court may order the consolidation of individual claims into group claims where:

- 1) The number of individuals involved or to be affected is so large as to render individual participation impractical;



- 2) There are questions of law or fact common to the individual claims or rights to be determined;
- 3) The group claims or rights to be determined are typical of the affected persons' claims or rights; and
- 4) The entire group will be adequately represented in the consolidation.

[Annotation: Enacted by T-086-20]

**20.04.080: ENFORCEMENT OF TRIBAL HEALTH OFFICER OR TRIBAL COURT ORDERS**

- 1) An order issued in accordance with this Chapter shall constitute the duly authorized application of lawful rules and must be enforced by all Yakama Nation law enforcement officers and all other officers and employees of any political subdivisions within the jurisdiction of the Yakama Nation.
- 2) Any person who shall violate any of the provisions of this Chapter, any lawful order issued in accordance with this Chapter, or any lawful rule adopted by the Tribal Health Officer shall be deemed guilty of a misdemeanor punishable as provided under XX.04.090.

[Annotation: Enacted by T-086-20]

**20.04.090: CRIMINAL PENALTIES**

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than thirty (90) days, or both.

[Annotation: Enacted by T-086-20]



**TITLE XX (20) - YAKAMA NATION COMMUNICABLE DISEASE CODE**

**CHAPTER 20.01 – GENERAL PROVISIONS ..... 1**

**20.01.010: INTENT..... 1**

**20.01.020: PURPOSES ..... 1**

**20.01.030: DEFINITIONS ..... 1**

**20.01.040: GENERAL AUTHORITY AND JURISDICTION ..... 4**

**20.01.050: REMEDIES OUTSIDE OF THIS CHAPTER ..... 5**

**20.01.060: SEVERABILITY ..... 5**

**CHAPTER 20.02 – PUBLIC HEALTH POWERS ..... 5**

**20.02.010: RESPONSIBILITIES AND DUTIES OF TRIBAL HEALTH OFFICER .. 5**

**CHAPTER 20.03 – NOTIFIABLE CONDITIONS ..... 7**

**20.03.010: PURPOSE OF NOTIFIABLE CONDITIONS REPORTING ..... 7**

**20.03.020: NOTIFIABLE CONDITIONS LIST ..... 7**

**20.03.030: INFORMATION SHARING ..... 7**

**20.03.040: PERSONS REQUIRED TO REPORT ..... 8**

**20.03.050: RESPONSIBILITIES OF A HEALTH CARE PROVIDER**

**OR HEALTH CARE FACILITY ..... 8**

**20.03.060: HANDLING CASE REPORTS AND MEDICAL INFORMATION..... 9**

**20.03.070: RESPONSIBILITIES OF SCHOOLS AND CHILDCARE FACILITIES... 10**

**20.03.080: RESPONSIBILITIES OF COMMUNITY MEMBERS..... 10**

**CHAPTER 20.04 – ISOLATION AND QUARANTINE..... 11**

**20.04.010: CONDITIONS AND PRINCIPLES FOR ISOLATION**

**OR QUARANTINE ..... 11**

**20.04.020: VOLUNTARY ISOLATION OR QUARANTINE ..... 12**

**20.04.030: INVOLUNTARY ISOLATION OR QUARANTINE ..... 13**



**20.04.040: ISOLATION OR QUARANTINE PREMISES.....17**  
**20.04.050: RELIEF FROM ISOLATION OR QUARANTINE..... 18**  
**20.04.060: RIGHT TO COUNSEL ..... 19**  
**20.04.070: CONSOLIDATION ..... 19**  
**20.04.080: ENFORCEMENT OF TRIBAL HEALTH OFFICER OR  
**TRIBAL COURT ORDERS .....20**  
**20.04.090: CRIMINAL PENALTIES ..... 20****

