



## **Title 40**

# **Communicable Disease Code**

---

## **Pueblo of Isleta**

## TABLE OF CONTENTS

<b>TITLE 40 INTENT AND PURPOSES .....</b>	<b>4</b>
<b>40.1 INTENT .....</b>	<b>4</b>
<b>40.2 PURPOSES.....</b>	<b>4</b>
<b>40.3 DEFINITIONS .....</b>	<b>4</b>
<b>40.4 GENERAL AUTHORITY AND JURISDICTION .....</b>	<b>7</b>
<b>40.5 PUBLIC HEALTH POWERS .....</b>	<b>7</b>
<b>40.5.1 Responsibilities and Duties of Tribal Health Officer .....</b>	<b>7</b>
<b>40.5.2 Responsibilities and Duties – Health Care Providers and Health Care Facilities</b>	<b>8</b>
<b>40.6 NOTIFIABLE CONDITIONS.....</b>	<b>8</b>
<b>40.6.1 Purpose of Notifiable Conditions Reporting .....</b>	<b>8</b>
<b>40.6.2 Notifiable Conditions List .....</b>	<b>9</b>
<b>40.6.3 Information Sharing.....</b>	<b>9</b>
<b>40.6.4 Persons Required to Report.....</b>	<b>9</b>
<b>40.6.5 Responsibilities of the Health Care Provider or Health Care Facility .....</b>	<b>10</b>
<b>40.6.6 Handling of Case Reports and Medical Information .....</b>	<b>10</b>
<b>40.6.7 Responsibilities of Food Service Establishments .....</b>	<b>11</b>
<b>40.6.8 Responsibilities of Schools and Child Day Care Facilities.....</b>	<b>12</b>
<b>40.6.9 Responsibilities of Community Members.....</b>	<b>12</b>
<b>40.6.10 Duties of the Tribal Health Officer .....</b>	<b>12</b>
<b>40.6.11 Handling of Case Reports and Medical Information .....</b>	<b>13</b>
<b>40.7 ISOLATION AND QUARANTINE .....</b>	<b>14</b>
<b>40.7.1 Conditions and Principles for Voluntary and Involuntary Isolation or Quarantine .....</b>	<b>14</b>
<b>40.7.2 Voluntary Isolation or Quarantine .....</b>	<b>15</b>
<b>40.7.3 Involuntary Isolation or Quarantine .....</b>	<b>16</b>
<b>40.7.4 Isolation or Quarantine Premises .....</b>	<b>21</b>
<b>40.7.5 Relief from isolation or quarantine.....</b>	<b>21</b>
<b>40.7.6 Right to Counsel.....</b>	<b>22</b>
<b>40.7.7 Consolidation .....</b>	<b>22</b>

40.7.8	Enforcement of Tribal Health Officer, Governor Orders or Tribal Court Orders .....	23
40.7.9	Criminal Penalties .....	23
40.8	COMMUNICABLE DISEASE EMERGENCIES.....	23
40.8.1	Declaring a State of Public Health Emergency .....	23
40.8.2	Management of Property .....	25
40.8.3	Appointment of Health Personnel from Other Jurisdictions .....	27
40.8.4	Private Liability .....	27
40.9	COMMUNICABLE DISEASE—SCHOOLS AND CHILDCARE CENTERS .....	28
40.9.1	Purpose .....	28
40.9.2	Control of contagious disease. ....	28



**Emergency Communicable Disease Code enacted pursuant to Pueblo of Isleta Council  
Resolution No. 2020-016**

## TITLE 40 INTENT AND PURPOSES

## 40.1 INTENT

It is the intent of the Pueblo of Isleta to protect and promote the health of our elders, our children, and all community members to the greatest extent possible through the Pueblo's public health capabilities while respecting individual rights to dignity, health information privacy, due process, and other legally-protected interests.

## 40.2 PURPOSES

The Pueblo of Isleta Tribal Council states that the purposes of this Title are to:

- a) Strengthen tribal sovereignty by exercising the Pueblo's inherent power to prevent and control communicable disease;
- b) Protect the Pueblo from any unwanted and illegal encroachment of state and local jurisdiction and/or authority on tribal land;
- c) Respond to potential public health emergencies through formal declarations and triggering of special public health powers during an emergency;
- d) Establish procedures for protecting due process; and
- e) Provide fair and appropriate criminal penalties for violations of the provisions of this Title, as well as declare immunities of specific actors where justified.

### 40.3 DEFINITIONS

- a) "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.
- b) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to tribal or federal regulation.
- c) "Communicable disease" means an illness caused by an infectious agent 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.
- d) "Contact" means a person exposed to an infected person, animal, or contaminated environment that may lead to infection.

- 1 e) "Contaminated" or "contamination" means containing or having contact with  
2 infectious agents or chemical or radiological materials that pose an immediate threat  
3 to present or future public health.  
4
- 5 f) "Contamination control measures" means the management of persons, animals,  
6 goods, and facilities that are contaminated, or suspected to be contaminated, in a  
7 manner to avoid human exposure to the contaminant, prevent the contaminant from  
8 spreading, and/or effect decontamination.  
9
- 10 g) "Detention" or "detainment" means physical restriction of activities of an individual  
11 by confinement for the purpose of controlling or preventing a serious and imminent  
12 threat to public health and may include physical plant, facilities, equipment, and/or  
13 personnel to physically restrict activities of the individual to accomplish such  
14 purposes.  
15
- 16 h) "Disease of suspected bioterrorism origin" means a disease caused by viruses,  
17 bacteria, fungi, or toxins from living organisms that are used by man to intentionally  
18 produce death or disease in humans, animals, or plants. Many of these diseases may  
19 have nonspecific presenting symptoms.  
20
- 21 i) "Disease control measures" means the management of persons, animals, goods, and  
22 facilities that are infected with, suspected to be infected with, exposed to, or  
23 suspected to be exposed to an infectious agent in a manner to prevent transmission of  
24 the infectious agent to humans.  
25
- 26 j) "Food Service Establishment" means any food related activity by any person or  
27 business with the object of gain, benefit or advantage, either direct or indirect, such as  
28 conducting a trade or commercial activity.  
29
- 30 k) "Health care provider" means any person having direct or supervisory responsibility  
31 for the delivery of health care who is licensed or certified in New Mexico or another  
32 state.  
33
- 34 l) "Health care facility" means any building that is used, operated, or designed to  
35 provide health services, medical treatment, behavioral health services, dental services,  
36 nursing, rehabilitative, or preventive care to any individual.  
37
- 38 m) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus,  
39 protozoan, or helminth that is capable of producing infection or infectious disease.  
40
- 41 n) "Isolation" means the physical separation for possible medical care of persons who  
42 are infected or who are reasonably believed to be infected with a threatening  
43 communicable disease or potential threatening communicable disease from non-  
44 isolated persons, to protect against the transmission of the threatening communicable  
45 disease to non-isolated persons.  
46



- 1 o) "Local health department" means a tribal, city, town, county, or district agency in  
2 New Mexico providing public health services to persons within their area.  
3
- 4 p) "Outbreak" means the occurrence of cases of a disease or condition in any area within  
5 the exterior boundaries of the Pueblo over a given period of time in excess of the  
6 expected number of cases.  
7
- 8 q) "Public health emergency" means an occurrence or imminent threat of an illness or  
9 health condition that:  
10
- 11 i. is believed to be caused by any of the following:  
12 A. bioterrorism;  
13 B. the appearance of a novel or previously controlled or eradicated  
14 infectious agent or biological toxin; or  
15 C. natural disaster, chemical attack or accidental release, or nuclear attack  
16 or accident; and  
17
  - 18 ii. poses a high probability of any of the following harms:  
19 A. a large number of deaths in the affected population;  
20 B. a large number of serious or long-term disabilities in the affected  
21 population;  
22 C. widespread exposure to an infectious or toxic agent that poses a  
23 significant risk of substantial future harm to a large number of people  
24 in the affected population; or  
25 D. otherwise exceeding the capability or capacity of the public health  
26 and/or healthcare systems.  
27
- 28 r) "Quarantine" means the limitation of freedom of movement of such well persons or  
29 domestic animals as have been exposed to, or are suspected to have been exposed to,  
30 an infectious agent, for a period of time not longer than the longest usual incubation  
31 period of the infectious agent, in such manner as to prevent effective contact with  
32 those not so exposed, as determined by the Tribal Health Officer.  
33
- 34 s) "State health officer" means the person designated by the secretary of the New  
35 Mexico Department of Health to serve as statewide health officer, or, in the absence  
36 of such designation, the person having primary responsibility for public health  
37 matters within the State of New Mexico.  
38
- 39 t) "Suspected case" or "suspected to be infected" means an individual the Tribal Health  
40 Officer, in their professional judgment, reasonably believes that infection with a  
41 particular infectious agent is likely based on signs and symptoms, laboratory  
42 evidence, or contact with an infected individual, animal, or contaminated  
43 environment.  
44
- 45 u) "Tribal Health Officer" means the individual having been appointed under this Title  
46 as the health officer for the Pueblo of Isleta. Such individual shall have a Masters or



1 higher degree in Public Health and/or possess a medical license.

- 2  
3 v) "Tribal School" means a facility for programs of education preschool and  
4 kindergarten through grade twelve within the tribal reservation.  
5

#### 6 **40.4 GENERAL AUTHORITY AND JURISDICTION**

7

8 The following laws are adopted under the authority of Article 5, Section 2(e) of the  
9 Pueblo of Isleta Tribal Constitution which provides that the Tribal Council is empowered  
10 to protect the peace, safety, property, health and general welfare of the members of the  
11 Pueblo of Isleta.  
12

#### 13 **40.5 PUBLIC HEALTH POWERS**

14

##### 15 **40.5.1 Responsibilities and Duties of Tribal Health Officer**

16

- 17 a) The Tribal Health Officer is authorized to use the powers and procedures set forth  
18 under this Title to prevent the spread of disease and protect the health and safety of  
19 Pueblo of Isleta community members.  
20  
21 b) The Tribal Health Officer shall notify Pueblo health care providers of their  
22 requirements under this Title.  
23  
24 c) The Tribal Health Officer shall, when necessary, conduct and/or delegate and direct  
25 investigations and institute disease control and contamination control measures,  
26 including medical examination, testing, counseling, treatment, vaccination,  
27 decontamination of persons or animals, isolation, quarantine, vector control,  
28 condemnation of food supplies, and inspection and closure of facilities, consistent  
29 with those indicated in the Control of Communicable Diseases Manual, 20th edition  
30 or latest edition, published by the American Public Health Association, or other  
31 measures the Tribal Health Officer deems necessary based on their professional  
32 judgment, current standards of practice and the best available medical and scientific  
33 information.  
34  
35 d) The Tribal Health Officer, with Tribal Council approval, may seek agreements as  
36 necessary with local governments, federal authorities, tribal organizations, private  
37 entities, state agencies, or institutions of higher education to coordinate or provide  
38 public health activities provided in this plan. The Tribal Health Officer shall establish,  
39 in consultation with Tribal Council and Governor, rules, plans, policies, and  
40 procedures instituting emergency measures necessary to prevent the spread of  
41 communicable disease or contamination for Pueblo health care providers, health  
42 facilities, emergency management personnel, tribal law enforcement, Emergency  
43 Health Orders, and any other entity they deem necessary. The Tribal Health Officer  
44 shall be in full control of any plan developed.  
45  
46



1     **40.5.2           Responsibilities and Duties – Health Care Providers and Health Care**  
2                   **Facilities**

3  
4     Every health care provider, as defined in this Title, shall:

- 5  
6     a) Provide adequate, understandable instruction in control measures designed to prevent  
7       the spread of disease to:
- 8  
9         i. Each patient or client under their care with a communicable disease; and  
10        ii. Others, as appropriate, to prevent spread of disease.
- 11  
12    b) Cooperate with Tribal Health Officer and/or their designees during investigation of:
- 13  
14        i. Circumstances of a case or suspected case of a notifiable condition or other  
15        communicable disease; and  
16        ii. An outbreak or suspected outbreak of illness.
- 17  
18    c) Comply with requirements in this Title, including but not limited to, communicable  
19       disease screening and control.
- 20  
21    d) Use protocols established in the Control of Communicable Diseases Manual, 20th  
22       edition, published by the American Public Health Association, when treating wounds  
23       caused by animal bites.
- 24  
25    e) Establish protocols restricting work of employees, staff, students, and volunteers  
26       diagnosed to have a communicable disease from having direct contact with patients,  
27       clients, residents, and recipients of care during the period of communicability when:
- 28  
29        i. Transmission of the disease to recipients of care or other employees can occur  
30        in that particular job environment; and  
31        ii. The disease can cause serious illness.
- 32  
33    f) Permit employees, staff, students, and volunteers to return to work when measures  
34       have been taken to prevent transmission of disease, if measures are consistent with  
35       recommendations of Tribal Health Officer.

36  
37     **40.6 NOTIFIABLE CONDITIONS**

38  
39     **40.6.1           Purpose of Notifiable Conditions Reporting**

40  
41     The purpose of notifiable conditions reporting is to provide the information necessary for  
42     the Pueblo of Isleta, state and local jurisdictions to protect the community's health by  
43     tracking communicable diseases and other conditions.

44  
45  
46





#### 40.6.2 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 New Mexico Department of Health official list of notifiable conditions in meeting this requirement.

#### 40.6.3 Information Sharing

- a) The Tribal Health Officer is authorized to report to public health authorities, including the local health department, New Mexico Department of Health, and/or 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 is an indicator of bioterrorism. These may include the following:
  - i. 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;
  - ii. A cluster of patients presenting with a similar syndrome that includes unusual disease characteristics or unusually high morbidity or mortality without obvious etiology; or
  - iii. Unexplained increase in a common syndrome above seasonally expected levels.
- b) Sharing of Pueblo information on reportable conditions, unusual clusters, or suspicious events with public health authorities shall be restricted to the information necessary for the treatment, control, investigation, and prevention of a public health emergency.

#### 40.6.4 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 especially where the case has not been previously reported as required by the Tribal Health Officer.



#### 40.6.5 Responsibilities of the Health Care Provider or Health Care Facility

- a) Health care providers and health care facilities shall:
  - i. Notify the Tribal Health Officer regarding:
    - A. Cases or suspected cases of notifiable conditions listed by the Tribal Health Officer or the New Mexico Department of Health;
    - B. 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, influenza, viral meningitis, health care-associated infection suspected due to contaminated products or devices, or environmentally related disease; and
    - C. Known barriers which might impede or prevent compliance with orders for infection control or quarantine.
  - ii. Immediately upon becoming aware of a clinically possible case of a condition designated as “immediately notifiable” by the New Mexico 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 local health jurisdiction or the New Mexico 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.
  - iii. Cooperate with the Tribal Health Officer during investigation of:
    - A. Circumstances of a case or suspected case of a notifiable condition or other communicable disease; and
    - B. An outbreak or suspected outbreak of disease.
  - iv. Provide adequate and understandable instruction in disease control measures to each patient who has been diagnosed with a case of a communicable disease, and to other persons who may have been exposed to the communicable disease.

#### 40.6.6 Handling of Case Reports and Medical Information

- a) All records and specimens containing or accompanied by patient identifying information are confidential.
- b) Health care providers and facilities shall establish and implement policies and



procedures to maintain confidentiality related to a patient's medical information.

- c) Personnel in health care facilities who know of a person with a notifiable condition, other than a sexually transmitted disease, shall release identifying information only to other individuals responsible for protecting the health and well-being of the public through control of disease.
- d) Personnel in health care facilities who know of a person with a notifiable sexually transmitted disease shall release identifying information only to the Tribal Health Officer. The Tribal Health Officer may follow New Mexico Department of Health guidance on reporting and follow-up, as appropriate.
- e) Personnel responsible for health care facility management are authorized to permit access to medical information as necessary to fulfill professional duties. Health care facility administrators shall advise those persons permitted access under this section of the requirement to maintain confidentiality of such information as defined under this section. Professional duties mean the following activities or activities that are functionally similar:
  - i. Medical record or chart audits;
  - ii. Peer reviews;
  - iii. Quality assurance;
  - iv. Utilization review purposes;
  - v. Research as authorized under federal law;
  - vi. Risk management; and
  - vii. Reviews required under federal law or regulations.
- f) Personnel responsible for health care facility management are authorized to permit access to a patient's medical information and medical record by medical staff or health care facility staff to carry out duties required for care and treatment of a patient and the management of medical information and the patient's medical record.

#### **40.6.7 Responsibilities of Food Service Establishments**

The person in charge of a food service establishment shall:

- a) Notify the Tribal Health Officer of potential foodborne disease.
- b) Cooperate with the Tribal Health Officer or their designee in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of foodborne or waterborne disease. This includes the release of the name and other pertinent information about food handlers diagnosed with a communicable disease as it relates to a foodborne or waterborne disease investigation.
- c) Not release information about food handlers with a communicable disease to other employees or the general public.



1     **40.6.8           Responsibilities of Schools and Child Day Care Facilities**

- 2
- 3           a) Notify the Tribal Health Officer of cases, suspected cases, outbreaks, and suspected
- 4           outbreaks of notifiable conditions that may be associated with the child day care
- 5           facility.
- 6
- 7           b) Consult with the Tribal Health Officer about the control and prevention of infectious
- 8           disease or communicable disease.
- 9
- 10          c) Cooperate with the Tribal Health Officer in the investigation of cases, suspected
- 11          cases, outbreaks, and suspected outbreaks of disease that may be associated with the
- 12          child day care facility.
- 13
- 14          d) Release identifying information only to other individuals responsible for protecting
- 15          the health and well-being of the public through control of disease.
- 16
- 17          e) Establish and implement policies and procedures to maintain confidentiality related to
- 18          medical information in their possession.
- 19

20     **40.6.9           Responsibilities of Community Members**

- 21
- 22           a) Cooperate with the Tribal Health Officer or their designee in the investigation of
- 23           cases, suspected cases, outbreaks, and suspected outbreaks of notifiable conditions or
- 24           other communicable disease.
- 25
- 26           b) Cooperate with the implementation of infection control measures, including isolation
- 27           and quarantine.
- 28
- 29           c) Community members should notify the Tribal Health Officer of any case, suspected
- 30           case, outbreak, or potential outbreak of communicable disease.
- 31

32     **40.6.10          Duties of the Tribal Health Officer**

- 33
- 34           a) The Tribal Health Officer shall:
- 35
- 36           i. Review and determine appropriate action for:
- 37
- 38               A. Each reported case or suspected case of a notifiable condition;
- 39
- 40               B. Any disease or condition considered a threat to public health; and
- 41
- 42               C. Each reported outbreak or suspected outbreak of disease, requesting
- 43               assistance from local, state, and federal agencies in carrying out
- 44               investigations when necessary.
- 45
- 46           ii. Establish a system for maintaining confidentiality of written records and



1 written and verbal notifiable conditions case reports; and

2  
3 iii. Notify health care providers, laboratories, and health care facilities within the  
4 Pueblo.

5  
6 b) The Tribal Health Officer may adopt alternative arrangements for meeting the  
7 reporting requirements under this Title through coordination with local, state, and  
8 federal partners.

9  
10 c) The Tribal Health Officer has the authority to:

11  
12 i. Carry out additional steps determined to be necessary to verify a diagnosis  
13 reported by a health care provider;

14  
15 ii. Require any person suspected of having a notifiable condition to submit to  
16 examinations required to determine the presence of the condition;

17  
18 iii. Require any person to submit to examinations required to determine the  
19 presence of blood borne pathogens or pathogens transmitted by other bodily  
20 fluids, if another person has been exposed to their blood or other bodily fluids;

21  
22 iv. Require testing or medical examination of any individual who has or may  
23 have been exposed to a communicable disease that poses a significant risk to  
24 public health;

25  
26 v. Investigate any case or suspected case of a reportable disease or condition or  
27 other illness, communicable or otherwise, if deemed necessary;

28  
29 vi. Require the notification of additional conditions of public health importance  
30 occurring within the tribe's jurisdiction;

31  
32 vii. Issue public health orders as deemed necessary by the Tribal Health Officer;

33  
34 viii. Conduct investigations and institute control measures; and

35  
36 ix. Coordinate with and report to local, state, or federal agencies or tribal  
37 organizations providing epidemiological services regarding any notifiable  
38 conditions.

39  
40 **40.6.11 Handling of Case Reports and Medical Information**

41  
42 a) The Tribal Health Officer shall establish and maintain confidentiality procedures  
43 related to employee handling of all reports of cases and suspected cases, prohibiting  
44 disclosure of reported information identifying an individual case or suspected cases  
45 except:  
46



- 1 i. To employees of the tribal health clinic, another local health department or  
2 state health department, federal agencies or other agency partners needing to  
3 know for the purpose of administering the requirements under this Title; and  
4  
5 ii. To health care providers, specific designees of health care facilities, laboratory  
6 directors, and others for the purpose of collecting additional information about  
7 a case or suspected case as required for disease prevention and control.  
8  
9 b) The Tribal Health Officer shall require and maintain signed confidentiality  
10 agreements with all tribal health clinic employees with access to identifying  
11 information related to a case or suspected case of a person diagnosed with a notifiable  
12 condition. The agreements will be renewed at least annually and will include  
13 reference to administrative actions that may be taken by the Tribal Health Officer, up  
14 to and including, termination from employment.  
15  
16 c) The Tribal Health Officer may release statistical summaries and epidemiological  
17 studies based on individual case reports if no individual is identified or identifiable.  
18

## 19 **40.7 ISOLATION AND QUARANTINE**

### 20 21 **40.7.1 Conditions and Principles for Voluntary and Involuntary Isolation or** 22 **Quarantine** 23

24 The Tribal Health Officer shall adhere to the following conditions and principles when  
25 isolating or quarantining a person or group of persons under this Title:  
26

- 27 a) Isolation or quarantine must be by the least restrictive means necessary to prevent the  
28 spread of a communicable or possibly communicable disease to others and may  
29 include, but are not limited to, confinement to private homes or other public or private  
30 premises;  
31  
32 b) Isolated individuals must be confined separately from quarantined individuals; The  
33 health status of isolated or quarantined individuals must be monitored regularly, to  
34 determine if they require continued isolation or quarantine;  
35  
36 c) If a quarantined individual subsequently becomes infected or is reasonably believed  
37 to have become infected with a communicable or possibly communicable disease that  
38 the Tribal Health Officer believes poses a significant threat to the health and safety of  
39 other quarantined individuals, they must promptly be placed in isolation;  
40  
41 d) Isolated or quarantined individuals must be released as soon as practicable when the  
42 Tribal Health Officer determines that they have been successfully decontaminated or  
43 that they pose no substantial risk of transmitting a communicable or possibly  
44 communicable disease that would constitute a serious or imminent threat to the health  
45 and safety of others;  
46



- 1 e) The needs of a person isolated or quarantined must be addressed to the greatest extent  
2 possible in a systematic and competent fashion, including, but not limited to,  
3 providing adequate food, clothing, shelter, means of communication with those in  
4 isolation or quarantine and outside these settings, medication, competent medical  
5 care, and mental health care;  
6  
7 f) Premises used for isolation or quarantine must be maintained in a safe and hygienic  
8 manner, to minimize the likelihood of further transmission of infection or other harm  
9 to persons isolated and quarantined;  
10  
11 g) To the extent possible, cultural and religious beliefs should be considered in  
12 addressing the needs of individuals, and establishing and maintaining isolation or  
13 quarantine premises;  
14  
15 h) Isolation or quarantine shall not abridge the right of any person to rely exclusively on  
16 spiritual means alone through prayer to treat a communicable or possibly  
17 communicable disease in accordance with religious tenets and practices, nor shall  
18 anything in this Title be deemed to prohibit a person so relying on spiritual means  
19 who is infected with a contagious or communicable disease from being isolated or  
20 quarantined in a private place of their own choice, provided, it is approved by the  
21 Tribal Health Officer, and all laws, rules and regulations governing control,  
22 sanitation, isolation and quarantine are complied with. At their sole discretion, the  
23 Tribal Health Officer may isolate infected individuals declining treatment for the  
24 duration of their communicable infection, if necessary to protect the health and safety  
25 of the individual or others; and  
26  
27 i) Forms must be provided to the individual, to the extent feasible, to document the  
28 individual's consent or objection to isolation or quarantine.  
29

#### 30 **40.7.2 Voluntary Isolation or Quarantine**

- 31  
32 a) Voluntary Isolation or Quarantine should always be used as a first option UNLESS  
33 the Tribal Health Officer has determined in their professional judgment that:  
34  
35 i. Seeking voluntary compliance would create a risk of serious harm;  
36  
37 ii. There is reason to believe that the person or group of persons is, or is  
38 suspected to be, infected with, exposed to, or contaminated with a  
39 communicable disease or chemical, biological, or radiological agent that could  
40 spread to or contaminate others if remedial action is not taken; and  
41  
42 iii. There is reason to believe that the person or group of persons would pose a  
43 serious and imminent risk to the health and safety of others if not detained for  
44 purposes of isolation or quarantine.  
45  
46 b) The Tribal Health Officer when conducting voluntary isolation or quarantine will





1 make reasonable efforts to comply with 40.7.1, Conditions and Principles of  
2 Involuntary or Voluntary Isolation or Quarantine.

3  
4 **40.7.3 Involuntary Isolation or Quarantine**  
5

6 a) If the Tribal Health Officer makes a finding that a delay in isolation or quarantining a  
7 person will significantly jeopardize the Tribal Health Officer's ability to prevent or  
8 limit the transmission of threatening communicable disease, then the Tribal Health  
9 Officer may issue an order to isolate or quarantine a person without first obtaining a  
10 court order, as follows:

11  
12 i. At their sole discretion, a Tribal Health Officer may issue an emergency  
13 detention order causing a person or group of persons to be immediately  
14 detained for purposes of isolation or quarantine if they:

15  
16 A. Have first made reasonable efforts, which shall be documented, to  
17 obtain voluntary compliance with requests for medical examination,  
18 testing, treatment, counseling, vaccination, decontamination of persons  
19 or animals, isolation, quarantine, and inspection and closure of  
20 facilities, or has determined in their professional judgment that seeking  
21 voluntary compliance would create a risk of serious harm;

22  
23 B. Have reason to believe that the person or group of persons is, or is  
24 suspected to be, infected with, exposed to, or contaminated with a  
25 communicable disease or chemical, biological, or radiological agent  
26 that could spread to or contaminate others if remedial action is not  
27 taken; and

28  
29 C. Have reason to believe that the person or group of persons would pose  
30 a serious and imminent risk to the health and safety of others if not  
31 detained for purposes of isolation or quarantine.

32  
33 ii. If a Tribal Health Officer orders the immediate involuntary detention of a  
34 person or group of persons for purposes of isolation or quarantine:

35  
36 A. The emergency detention order shall be for a period not to exceed five  
37 days without a court hearing to determine whether isolation or  
38 quarantine should continue.

39  
40 B. The Tribal Health Officer shall issue a written emergency detention  
41 order as soon as reasonably possible, and in all cases within twelve  
42 hours of detention, that shall specify the following:

43  
44 1. The identity of all persons or groups subject to isolation or  
45 quarantine;  
46





2. The premises subject to isolation or quarantine;
  3. The date and time at which isolation or quarantine commences;
  4. The suspected communicable disease or infectious agent if known;
  5. 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
  6. The medical basis on which isolation or quarantine is justified.
- iii. The Tribal Health Officer shall provide copies of the written emergency detention order to the person or group of persons detained or, if the order applies to a group and it is impractical to provide individual copies, post copies in a conspicuous place in the premises where isolation or quarantine has been imposed.
  - iv. Along with the written order, and by the same means of distribution, the Tribal Health Officer shall provide the person or group of persons detained with the following written notice:

“NOTICE: You have the right to petition the Tribal Court for release from isolation or quarantine in accordance with Title 40 Emergency Communicable Disease Code of the Pueblo of Isleta. You have a right to legal counsel. If you are unable to afford legal counsel, then counsel will be appointed for you at government expense and you should request the appointment of counsel at this time. If you currently have legal counsel, then you have an opportunity to contact that counsel for assistance.”
  - v. Following the imposition of isolation or quarantine pursuant to this section, the Tribal Health Officer, within twenty-four hours, shall petition the court for an order authorizing involuntary detention in accordance with 40.7.3(b).
- b) **Isolation and Quarantine with a Tribal Court Order.** If a Tribal Health Officer petitions the Tribal Court ex parte for an order authorizing involuntary detention of a person or group of persons for purposes of isolation or quarantine pursuant to this section:
- i. The petition shall specify:
    - A. The identity of all persons or groups to be subject to isolation or quarantine;



- 1 B. The premises where isolation or quarantine will take place;  
2  
3 C. The date and time at which isolation or quarantine will commence;  
4  
5 D. The suspected communicable disease or infectious agent if known;  
6  
7 E. The anticipated duration of isolation or quarantine based on the  
8 suspected communicable disease or infectious agent if known;  
9  
10 F. The measures taken by the Tribal Health Officer to seek voluntary  
11 compliance or the basis on which the Tribal Health Officer determined  
12 that seeking voluntary compliance would create a risk of serious harm;  
13 and  
14  
15 G. The medical basis on which isolation or quarantine is justified.  
16

- 17 ii. The petition shall be accompanied by the declaration of the Tribal Health  
18 Officer attesting to the facts asserted in the petition, together with any further  
19 information that may be relevant and material to the Tribal Court's  
20 consideration.  
21  
22 iii. Notice to the persons or groups identified in the petition shall be accomplished  
23 in accordance with the rules of civil procedure. The Tribal Court shall hold a  
24 hearing on a petition filed pursuant to this section within seventy-two hours of  
25 filing, exclusive of Saturdays, Sundays, and holidays.  
26  
27 iv. The Tribal Court shall issue the order if there is a reasonable basis to find that  
28 isolation or quarantine is necessary to prevent a serious and imminent risk to  
29 the health and safety of others.  
30  
31 v. A Tribal Court order authorizing isolation or quarantine as a result of an ex  
32 parte hearing shall:  
33  
34 A. Specify a maximum duration for isolation or quarantine for a period of  
35 time not longer than the longest usual incubation period of the  
36 infectious agent, to be determined on the advice of the Tribal Health  
37 Officer;  
38  
39 B. Identify the isolated or quarantined persons or groups by name or  
40 shared or similar characteristics or circumstances;  
41  
42 C. Specify factual findings warranting isolation or quarantine pursuant to  
43 this section;  
44  
45 D. Include any conditions necessary to ensure that isolation or quarantine  
46 is carried out within the stated purposes and restrictions of this section;



1  
2 E. Specify the premises where isolation or quarantine will take place;  
3

4 F. Specify any violation of the Tribal Court Order will be a violation of  
5 the Pueblo of Isleta Law and Order Code 30-17-10 Obstructing  
6 Judiciary or Officers; and  
7

8 G. Be served on all affected persons or groups in accordance with the  
9 rules of civil procedure.  
10

11 c) **Continued Involuntary Isolation and Quarantine.** A Tribal Health Officer may  
12 petition the Tribal Court for an order authorizing the continued isolation or quarantine  
13 of a person or group detained under a Tribal Health Officer emergency detention  
14 order under 40.7.3(a) or under a Tribal Court order under 40.7.3(b) for a period up to  
15 thirty days. A Tribal Health Officer who issued an Emergency Detention Order under  
16 40.7.3(a) may not seek continued involuntary isolation or quarantine of an individual  
17 without a Tribal Court Order pursuant to this subsection.  
18

19 i. The petition shall specify:  
20

21 A. The identity of all persons or groups subject to isolation or quarantine;  
22

23 B. The premises where isolation or quarantine is taking place;  
24

25 C. The communicable disease or infectious agent if known;  
26

27 D. The anticipated duration of isolation or quarantine based on the  
28 suspected communicable disease or infectious agent if known; and  
29

30 E. The medical basis on which continued isolation or quarantine is  
31 justified.  
32

33 ii. The petition shall be accompanied by the declaration of the Tribal Health  
34 Officer attesting to the facts asserted in the petition, together with any further  
35 information that may be relevant and material to the Tribal Court's  
36 consideration.  
37

38 iii. The petition shall be accompanied by a statement of compliance with the  
39 conditions and principles for isolation and quarantine contained in 40.6.1,  
40 Conditions and Principles for Voluntary and Involuntary Isolation and  
41 Quarantine.  
42

43 iv. Notice to the persons or groups identified in the petition shall be accomplished  
44 in accordance with the rules of civil procedure.  
45

46 v. The Tribal Court shall hold a hearing on a petition filed pursuant to this



subsection within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays.

vi. The Tribal Court shall grant the petition if it finds that there is clear and convincing evidence that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.

vii. A Tribal Court order authorizing continued isolation or quarantine as a result of a hearing shall:

- A. Specify a maximum duration for isolation or quarantine not to exceed thirty days;
- B. Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;
- C. Specify factual findings warranting isolation or quarantine pursuant to this section;
- D. Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section;
- E. Specify the premises where isolation or quarantine will take place;
- F. Specify any violation of the Tribal Court Order will be a violation of the Pueblo of Isleta Law and Order Code 30-17-10 Obstructing Judiciary or Officers; and
- G. Be served on all affected persons or groups in accordance with the rules of civil procedure.

d) **Petition for Additional Continued Involuntary Detention.** Prior to the expiration of a Tribal Court order for continued detention issued pursuant to subsection (c) of this section, the Tribal Health Officer may petition the Tribal Court to continue isolation or quarantine provided:

- i. The Tribal Court finds there is a reasonable basis to require continued isolation or quarantine to prevent a serious and imminent threat to the health and safety of others; and
- ii. The order shall be for a period not to exceed thirty days.

e) **Emergency Declarations Supersede this Section.** Tribal emergency declarations governing procedures for detention, examination, counseling, testing, treatment, vaccination, isolation, or quarantine for specified health emergencies or specified communicable diseases, including, but not limited to, tuberculosis and HIV, shall



supersede this section.

#### **40.7.4 Isolation or Quarantine Premises**

- a) Entry into isolation or quarantine premises shall be restricted under the following conditions:
  - i. The Tribal Health Officer may authorize physicians, health care workers, or others access to individuals in isolation or quarantine pursuant to 40.7.3, Involuntary Isolation or Quarantine, as necessary to meet the needs of isolated or quarantined individuals;
  - ii. No person, other than a person authorized by the Tribal Health Officer, shall enter isolation or quarantine premises;
  - iii. 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; and
  - iv. Any person entering isolation or quarantine premises with or without authorization of the Tribal Health Officer may be isolated or quarantined.
- b) Persons subject to isolation or quarantine and persons entering isolation or quarantine premises shall obey the rules and orders established by the Tribal Council and the Tribal Health Officer, and failure to do so shall constitute a misdemeanor consistent with the provisions of 40.7.9, Criminal Penalties.

#### **40.7.5 Relief from isolation or quarantine.**

Any person or group of persons isolated or quarantined pursuant to this Title may seek relief from involuntary detention from the Tribal Court, as follows:

- a) Any person or group of persons detained by order of a Tribal Health Officer pursuant to 40.7.3, Involuntary Isolation or Quarantine, may apply to the Tribal Court for an Order to Show Cause for why the individual or group should not be released.
  - i. The Tribal Court shall rule on the application to show cause within forty-eight hours of its filing.
  - ii. The Tribal Court shall schedule a hearing on the application for an Order to Show Cause within seventy-two hours, exclusive of Saturdays, Sundays and holidays.
  - iii. The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.



- 1 b) An individual or group isolated or quarantined may request a hearing in the Tribal  
2 Court for remedies regarding breaches to the conditions of isolation or quarantine  
3 required by 40.7.1 Conditions and Principles for Voluntary and Involuntary Isolation  
4 or Quarantine.  
5  
6 i. A request for a hearing shall not stay or enjoin an isolation or quarantine  
7 order.  
8  
9 ii. Upon receipt of a request under this subsection alleging extraordinary  
10 circumstances justifying the immediate granting of relief, the Tribal Court  
11 shall hold a hearing within seventy-two hours, exclusive of Saturdays,  
12 Sundays and holidays.  
13  
14 c) Any hearings for relief under this section involving a petitioner or petitioners judged  
15 to be contagious for a communicable disease will be conducted in a manner that  
16 utilizes appropriate infection control precautions and minimizes the risk of disease  
17 transmission.  
18

#### 19 **40.7.6 Right to Counsel**

20  
21 A person or group of persons isolated or quarantined pursuant to 40.7.3, Involuntary  
22 Isolation or Quarantine, has a right to be represented by counsel if they so elect. If such  
23 person or group requests counsel and cannot afford counsel, the Tribal Court shall  
24 appoint counsel consistent with the Pueblo of Isleta Public Defender Ordinance, The  
25 Tribal Health Officer must provide adequate means of communication between such  
26 persons or groups and their counsel.  
27

#### 28 **40.7.7 Consolidation**

29  
30 In any proceedings brought pursuant to this Title, to promote the fair and efficient  
31 operation of justice and having given due regard to the rights of affected persons, the  
32 severity of the threat to the public's health, and the availability of necessary witnesses and  
33 evidence, the Tribal Court may order the consolidation of individual claims into group  
34 claims where:  
35

- 36 a) The number of individuals involved or to be affected is so large as to render  
37 individual participation impractical;  
38  
39 b) There are questions of law or fact common to the individual claims or rights to be  
40 determined;  
41  
42 c) The group claims or rights to be determined are the same as the affected persons'  
43 claims or rights; and  
44  
45 d) The entire group will be adequately represented in the consolidation.  
46



1     **40.7.8           Enforcement of Tribal Health Officer, Governor Orders or Tribal Court**  
2                   **Orders**

- 3
- 4           a) An order issued by a Tribal Health Officer in accordance with this Title shall  
5               constitute the duly authorized application of lawful rules adopted by the Tribal  
6               Council and/or the Tribal Health Officer and must be enforced by all tribal law  
7               enforcement officers and all other officers and employees of any political  
8               subdivisions within the jurisdiction of the Pueblo of Isleta.  
9
- 10          b) Any person who shall violate any of the provisions of this Title or any lawful rule or  
11               order issued by the Tribal Health Officer shall be deemed guilty of a misdemeanor  
12               punishable as provided under 40.7.9, Criminal Penalties.  
13
- 14          c) Any person who shall fail or refuse to obey any lawful order issued by any Tribal  
15               Health Officer shall be deemed guilty of a misdemeanor punishable as provided in  
16               40.7.9, Criminal Penalties.  
17
- 18          d) Any person who shall fail or refuse to obey any lawful order issued by the Governor  
19               shall be deemed guilty of a misdemeanor punishable as provided in 40.7.9, Criminal  
20               Penalties.  
21
- 22          e) Any person violates a Tribal Court Order will be a violation of the Pueblo of Isleta  
23               Law and Order Code 30-17-10 Obstructing Judiciary or Officers.  
24

25     **40.7.9           Criminal Penalties**

26

27           Any person violating any of the provisions of this Title is guilty of a Class C  
28           Misdemeanor as defined in the Pueblo of Isleta Law and Order Code.  
29

30     **40.8 COMMUNICABLE DISEASE EMERGENCIES**

31

32     **40.8.1           Declaring a State of Public Health Emergency**

- 33
- 34           a) **Declaration.** A tribal public health emergency may be declared by the Tribal Council  
35               upon the occurrence of a public health emergency. Prior to such a declaration, the  
36               Tribal Council may consult with tribal, federal, state and local public health agencies  
37               and any additional public health or other experts as needed.  
38
- 39           b) **Content of Declaration.** A state of public health emergency shall be declared by a  
40               resolution that specifies:  
41
- 42               i. The nature of the public health emergency;
- 43
- 44               ii. The political subdivision(s) or geographic area(s) subject to the declaration;
- 45
- 46               iii. The conditions that have brought about the public health emergency;





- 1                   iv. The duration of the state of the public health emergency, if less than thirty  
2                   (30) days; and  
3  
4                   v. The designated Tribal Health Officer responding to the emergency.  
5  
6       c) **Effect of Declaration.** The declaration of a public health emergency shall activate the  
7       response and recovery aspects of the tribal disaster emergency plans. Such declaration  
8       authorizes the deployment and use of any forces to which the plans apply and the use  
9       or distribution of any supplies, equipment, and materials and facilities assembled,  
10       stockpiled, or available pursuant to this section.  
11  
12       d) **Emergency Powers.** During a public health emergency, the Tribal Council and  
13       Governor, may, pursuant to their respective authorities, act in concert to:  
14  
15               i. Suspend the provisions of any tribal policies, procedures, and laws prescribing  
16               procedures for conducting tribal business, or the orders, rules and regulations  
17               of any tribal agency, where strict compliance with the same would prevent,  
18               hinder, or delay necessary action (including emergency purchases) to respond  
19               to the public health emergency by the Tribal Health Officer, or would increase  
20               the health threat to the population.  
21  
22               ii. Utilize all available resources of the tribal government and its political  
23               subdivisions, as reasonably necessary, to respond to the public health  
24               emergency.  
25  
26               iii. Transfer the direction, personnel, or functions of tribal departments and  
27               agencies to perform or facilitate response and recovery programs regarding  
28               the public health emergency.  
29  
30               iv. Provide aid to and seek aid from federal, state, and local partners.  
31  
32       e) **Enforcement.** During a state of public health emergency, the Tribal Health Officer  
33       may request assistance in enforcing orders pursuant to this Title from the Governor  
34       who may utilize tribal law enforcement.  
35  
36       f) **Termination of Declaration.**  
37  
38               i. **Tribal Council Resolution.** Tribal Council shall terminate the declaration of  
39               a public health emergency by Tribal Council Resolution, upon the finding of  
40               the Tribal Health Officer that the circumstances or conditions that caused the  
41               emergency no longer exists.  
42  
43               ii. **Content of Termination Resolution.** The Tribal Council resolution  
44               terminating the public health emergency shall indicate the nature of the  
45               emergency, the area(s) that was threatened, and the conditions that make  
46               possible the termination.





1  
2           iii. **Executive Order.** The Governor shall rescind all Executive Orders issued  
3           pursuant to the public health emergency declaration.  
4

#### 5   **40.8.2 Management of Property** 6

7           a) **Emergency Measures Concerning Facilities and Materials.** During a public health  
8           emergency, the Tribal Health Officer is authorized to:  
9

- 10           i. Close, direct, and compel the evacuation of, or decontaminate or cause to be  
11           decontaminated any facility of which it has reasonable cause to believe that it  
12           may endanger the public's health.  
13  
14           ii. Procure by condemnation or otherwise, construct, lease, transport, store,  
15           maintain, renovate, or distribute materials and facilities as may be reasonable  
16           and necessary to respond to the public health emergency, with the right to take  
17           immediate possession thereof. Such materials and facilities include  
18           communication devices, carriers, real estate, fuels, food, clothing, personal  
19           protective equipment, medical equipment and supplies, and cleaning supplies.  
20  
21           iii. Require a health care facility to provide services or the use of its facility, if  
22           such services or use are reasonable and necessary to respond to the public  
23           health emergency, as a condition of the ability to continue operating as a  
24           health care facility.  
25  
26           iv. Decontaminate or cause to be decontaminated, or destroy, any material of  
27           which the Tribal Health Officer has reasonable cause to believe that it may  
28           endanger the public's health.  
29  
30           v. Inspect, control, restrict, and regulate by rationing and using quotas,  
31           prohibitions on shipments, allocation, or other means, the use, sale,  
32           dispensing, distribution, or transportation of food, fuel, clothing and other  
33           commodities, as may be reasonable and necessary to respond to the public  
34           health emergency.  
35

36           b) **Control of Roads, Public Areas, and Nonmembers.** During a public health  
37           emergency, the Governor is authorized to:  
38

- 39           i. Prescribe routes, modes of transportation, and destinations in connection with  
40           evacuation of individuals or the provision of emergency services, in  
41           accordance with local laws and applicable Right of Way Agreements.  
42  
43           ii. Control or limit ingress and egress to and from any stricken or threatened  
44           public area, the movement of individuals within the area, and the occupancy  
45           of premises therein, if such action is reasonable and necessary to respond to  
46           the public health emergency, in accordance with local laws and applicable



Right of Way Agreements.

c) **Safe Disposal of Infectious Waste or Contaminated Material.** During a public health emergency, the Governor is authorized to:

- i. Adopt and enforce measures to provide for the safe disposal of infectious waste or contaminated material as may be reasonable and necessary to respond to the public health emergency. Such measures may include the collection, storage, handling, destruction, treatment, transportation, and disposal of infectious waste or contaminated material.
- ii. Require any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of infectious waste or contaminated material under the laws of this Tribe, and any landfill business or other such property, to accept infectious waste or contaminated material, or provide services or the use of the business, facility, or property if such action is reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization, or the ability to continue doing business in the Tribe as such a business or facility. The use of the business, facility, or property may include transferring the management and supervision of such business, facility, or property to the Tribe for a limited or unlimited period of time.
- iii. Procure, by condemnation or otherwise, any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of infectious waste or contaminated material under the laws of this Tribe and any landfill business or other such property as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof.
- iv. Require all bags, boxes, or other containers for infectious waste or contaminated material to be clearly identified as containing infectious waste or contaminated material, and if known, the type of infectious waste or contaminated material (consistent with tribal laws).

d) **Control of Health Care Supplies.**

- i. **Procurement.** During a public health emergency, the Pueblo may purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, antidotes, and other pharmaceutical agents, medical supplies, or personal protective equipment to prepare for or respond to a public health emergency.
- ii. **Rationing.** Where a public health emergency results in a tribal-wide, regional or national shortage or threatened shortage of any product under subsection (i), whether or not such product has been purchased by the Pueblo, the Pueblo may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product. In making rationing or



1 other supply and distribution decisions, the Pueblo may give preference to  
2 health care providers or disaster response personnel.  
3

4 iii. **Distribution.** During a public health emergency, the Pueblo may store or  
5 distribute any anti-toxins, serums, vaccines, immunizing agents, antibiotics,  
6 antidotes, and other pharmaceutical agents, personal protective equipment, or  
7 medical supplies located within the Pueblo as may be reasonable and  
8 necessary to respond to the public health emergency, with the right to take  
9 immediate possession thereof.  
10

11 e) **Civil Proceedings.** To the extent practicable and consistent with the protection of  
12 public health, prior to the destruction of any property under this Title, the Pueblo shall  
13 institute appropriate civil proceedings concerning the property to be destroyed in  
14 accordance with the existing laws and rules of the Tribal Court or any such rules that  
15 may be developed by the Tribal Court for use during a public health emergency. Any  
16 property acquired by the Pueblo through such proceedings shall, after entry of the  
17 decree, be disposed of by destruction as the Tribal Court may direct.  
18

#### 19 **40.8.3 Appointment of Health Personnel from Other Jurisdictions**

20

21 Any health care provider or other personnel from another jurisdiction providing  
22 assistance to the Pueblo pursuant to this Title shall not be held liable for any civil  
23 damages as a result of medical care or treatment related to the response to the public  
24 health emergency unless such damages result from providing, or failing to provide,  
25 medical care or treatment in the event of gross negligence or willful misconduct.  
26

#### 27 **40.8.4 Private Liability**

28

- 29 a) During a public health emergency, any person owning, controlling land assignments,  
30 or other premises who voluntarily and without compensation permits the designation  
31 or use of the whole or any part of such real estate or premises for the purpose of  
32 sheltering individuals, together with that person's successors in interest, if any, shall  
33 not be civilly liable for negligently causing the death of, or injury to, any individual  
34 on or about such real estate or premises under permission, or for negligently causing  
35 loss of, or damage to, the property of such person.  
36
- 37 b) During a public health emergency, any person and employees and agents of such  
38 person in the performance of a contract or an agreement with, and under the direction  
39 of, the Pueblo or its political subdivisions, or who renders assistance or advice at the  
40 request of the Pueblo or its political subdivisions under the provisions of this Title  
41 shall not be civilly liable for causing the death of, or injury to, any individual or  
42 damage to any property except in the event of gross negligence or willful misconduct.  
43  
44  
45  
46



## **40.9 COMMUNICABLE DISEASE—SCHOOLS AND CHILDCARE CENTERS**

### **40.9.1 Purpose**

The rules in this Title identify certain communicable diseases that may affect children, or others who are susceptible, in schools, and childcare centers. When an outbreak or potential outbreak of a communicable disease is identified in a tribal school or tribal childcare center, the rules in this Title identify what schools, childcare centers and the Tribal Health Officer may do to control or prevent a potential outbreak of the communicable disease. These rules are in addition to other requirements imposed by Title 40.6, Notifiable Conditions. These rules do not require a tribal school or tribal childcare center personnel to diagnose or treat children.

### **40.9.2 Control of contagious disease.**

- a) When a tribal school or childcare center becomes aware of the presence of a contagious disease at the facility, as defined in this Title, the officials at the tribal school or childcare center shall notify the Tribal Health Officer for guidance.
- b) When there is an outbreak of a communicable disease, as defined in this Title, and there is the potential for a case or cases within a tribal school or childcare center, the Tribal Health Officer shall take all appropriate actions deemed to be necessary to control or eliminate the spread of the disease including, but not limited to:
  - i. Closing part or all of the affected school(s) or childcare center(s);
  - ii. Closing other schools or childcare centers;
  - iii. Canceling activities or functions at schools or childcare centers; and
  - iv. Excluding from schools or childcare centers any students, staff, and volunteers who are infectious, or exposed and susceptible to the disease.
- c) Prior to taking action the Tribal Health Officer shall:
  - i. Consult with the Governor and Tribal Council;
  - ii. Consult with and discuss the ramifications of action with the Principal of the school, or the Chief Administrator of the childcare center or their designees on the proposed action; and
  - iii. Provide the Principal of the school or the Chief Administrator of the childcare center or their designees a written decision, in the form and substance of an order, directing them to take action. The order must set the terms and conditions permitting:



- A. Schools or childcare centers to reopen;
- B. Activities and functions to resume; and
- C. Excluded students, staff and volunteers to be readmitted.

- iv. Pursue, in consultation with tribal school or childcare officials, the investigation of the source of disease, or those actions necessary to ultimately control the disease.

Property Pueblo of Isleta



[Legislative History]]

This Emergency Communicable Disease Code was adopted in order to address the 2020 Coronavirus (COVID-19) that was declared a Public Health Emergency by the World Health Organization (WHO) on January 30, 2020. On March 11, 2020 the WHO characterized COVID-19 as a global pandemic. On March 13, 2020 the Pueblo of Isleta passed Tribal Council Resolution 2020-011 declaring a public health emergency in order to prevent, prepare for, and respond to COVID-19.

