

PROCESS SUMMARY FOR OBTAINING EMERGENCY DETENTION ORDER AND COURT-ORDERED ISOLATION

An emergency order may be issued only by the State Health Commissioner

1. The local health director serves as the primary local point of contact on all matters related to the legal isolation of persons with active TB disease. As such, all requests to the State Health Commissioner for an emergency order or for a petition for court-ordered isolation must be made by the local health director.
 - *Often these situations are very time sensitive. Steps 2-4 may occur simultaneously.*
2. Contact the Tuberculosis and Newcomer Health Program for technical assistance regarding the process of legal isolation.
3. Once the local decision has been made to request consideration of legal isolation, the local health director contacts the Deputy Commissioner for Community Health Services or Chief Deputy Commissioner for Public Health to formally make the request to the State Health Commissioner.
4. The local health director or designee is responsible for obtaining and delivering copies of the appropriate medical records needed to proceed with the emergency detention. At a minimum, the records required for development of the emergency order and petition for court hearing include:
 - Copy of medical evaluation describing in detail the basis for the diagnosis of active TB disease as defined by the *Code of Virginia*
 - Copies of pertinent chest x-ray reports
 - Copies of pertinent sputum/specimen results including reports of smears, cultures and sensitivity results, if available.
 - Documentation of local efforts to counsel and educate patient regarding disease, treatment, expected behaviors related to treatment compliance and isolation.
 - Documentation of patient non-adherence to recommendations and orders and basis of determination that patient poses an imminent danger to the health of the public
 - Copies of any formal requests and orders issued by the local health director.
5. Upon the preliminary approval from the State Health Commissioner to proceed, the Tuberculosis and Newcomer Health Program will work with the local health district, the Commissioner and the Special Counsel to the Virginia Department of Health from the Office of the Attorney General to facilitate the process for the emergency order.
6. While waiting for the signed emergency order, local health district responsibilities include:
 - Contact with the appropriate law enforcement officials (police, sheriff, etc.) to prepare for the arrival of the State Health Commissioner's order and develop a plan for its implementation

Identification of the "least restrictive willing facility" at which the patient may be confined under the State Health Commissioner's order until the court hearing is held. Per Virginia Code 32.1-48.03B, the place of temporary detention may not be a jail or a correctional facility.