

STATE OF MICHIGAN  
CALHOUN COUNTY  
CALHOUN COUNTY PUBLIC HEALTH DEPARTMENT

In the Matter of:

PUBLIC HEALTH OFFICER ORDER  
PURSUANT TO MCL 333.2453  
ESTABLISHING PROCEDURES FOR THE QUARANTINE  
OF PERSONS IDENTIFIED AS COVID-19 CLOSE CONTACTS

Matters of concern to the health of Calhoun County citizens having been brought to the attention of the Administrative Health Officer of the Calhoun County Public Health Department, and the Administrative Health Officer having made the following determinations, issues this Order pursuant to the Michigan Public Health Code, MCL 333.2451 (1); MCL §333.2453 (1); and, Michigan Administrative Rule R 325.175 (4), to establish procedures to be followed by, and restrict the public gathering of, healthy persons identified as close contacts of a known or probable case of COVID-19:

DETERMINATIONS

1. MCL 333.2451 (1) gives a local health officer the authority to “. . . issue an order to avoid, correct, or remove [an] imminent danger. . .” to the health or lives of individuals within the health officer’s area of responsibility.

2. MCL 333.2453 (1) gives a local health officer the authority to issue emergency orders necessary to control an epidemic and insure the continuation of essential public health services and the enforcement of health laws; including orders to establish “. . . procedures to be followed by persons . . .” and to prohibit “. . . the gathering of people for any purpose.”

3. Michigan Administrative Rule R 325.175 (4) gives a local health officer the authority to “. . . exclude from attendance any individuals lacking documentation of immunity or otherwise considered susceptible to the disease until such time as the health officer deems there to be no likely further risk of disease spread” upon confirmation that “. . . a student or individual attending school or a group program has a communicable disease.”

4. COVID-19 is a communicable disease that has a significant impact on the respiratory and cardio-vascular systems of the body. It is a condition capable of causing death, disease, or serious physical harm to the health and lives of individuals, as defined in MCL 333.2451 (1) and (3)(a).

5. COVID-19 is also unique as a communicable disease in that every person that eventually becomes infected with COVID-19 is able to transmit the disease to others for at least a 48-hour period before they become symptomatic, or otherwise have any reason to know that they can make other people sick; and, at least 20% (and in some populations as many as 50%) of all know positive cases will never become symptomatic, yet they are fully able to transmit the disease and make other people sick.

6. The failure, or refusal, of an individual to quarantine upon notice that they are a close contact of a person with a known positive COVID-19 infection significantly increases the likelihood and amount of community spread of COVID-19, for the reasons otherwise stated in this Order. It is a practice capable of causing death, disease, or serious

physical harm to the health and lives of individuals, as defined in MCL 333.2451 (1) and (3)(a).

7. Healthy individuals who are a close contact of a person with a known positive COVID-19 infection are themselves susceptible to contracting COVID-19. Restricting school attendance of student who are a COVID-19 close contact is specifically permitted by Michigan Administrative Rule R 325.175 (4).

8. Since August 20th, 2021, Calhoun County has recorded 336 positive COVID-19 cases involving school age minors. Ninety-three, or 27.7% of these individuals became symptomatic while in quarantine. Had they failed or refused to quarantine, and returned to school, they would have caused considerable community spread.

9. Limiting community transmission of the infectious agent that causes the COVID-19 disease is a significant factor in the control of the current epidemic and is necessary to protect the public health of the citizens of Calhoun County.

10. Quarantine of healthy persons who are a close contact, is necessary to control the community transmission of COVID-19.

11. The Calhoun County Public Health Department determines that a person is a close contact based upon the guidelines issued by the United States Centers for Disease Control and Prevention (CDC) as applied to the local conditions of the COVID-19 epidemic in Calhoun County, at the time of the contact.

12. Controlling community transmission has a demonstrated positive impact on the course of the COVID-19 epidemic, and reduces the strain on hospitals, emergency medical services, ambulance and patient transport service, and other essential public health services.

13. An increasing degree of public pressure has been directed at schools, employers, and other organizations to ignore the significant public health benefit of quarantine and permit active participation of close contacts in school, sports, the workplace, and other public events, despite the increased risk such conduct poses to specific populations or community transmission of COVID-19 during the current epidemic in Calhoun County.

14. If failure to quarantine becomes widespread the control of community transmission will become a more significant public health problem.

15. Quarantine by Health Officer Order will assure employees that they can use the non-retaliation provisions of the COVID-19 Employment Rights Act; MCL 419.401, et seq.

16. Schools, employers, and other organizations have asked the Calhoun County Public Health Department for guidance concerning the quarantine of close contacts.

17. In Calhoun County, as of the date of this Order, over 7500 confirmed cases responded to the question; at the time of symptom onset, was the patient in quarantine? Of these responses, 32% indicated yes.

18. Since March 16, 2020, Calhoun County has experienced 14,503 laboratory confirmed positive cases of COVID-19. As of September 28<sup>th</sup>, 2021, Calhoun County has a 7-day test positivity rate of 10.0%, and a 7-day new case per one-hundred thousand count

of 286. These statistics indicate both epidemic level contagion and high community transmission.

19. Because a close contact is able to infect others with COVID-19 before they, or the Calhoun County Public Health Department, have a reasonable basis to believe that they harbor the specific infectious agent that causes COVID-19 certain procedures are required, including the quarantine of healthy persons who have been close contacts of probable or known positive COVID-19 cases.

20. These procedures, and restrictions on public gatherings of close contacts are necessary to maintain the public health of the citizens of Calhoun County, and control the COVID-19 epidemic.

Based on the preceding determinations IT IS ORDERED, by the authority MCL 333.2451 (1); MCL §333.2453 (1); and, Michigan Administrative Rule R 325.175 (4):

A. Any individual who resides, attends school, or is employed within Calhoun County that is notified by the Calhoun County Public Health Department, Michigan Department of Health and Human Services, a local school district, a physician, their employer, or an agent of any of the above, that they are a COVID-19 close contact, is ordered to quarantine for ten (10) days, or such other duration as may be required in a written public notice issued by the Calhoun County Public Health Department.

B. Upon request, confirmed and probable cases, businesses, schools, and other facilities must provide the names and phone numbers of individuals with possible COVID-19 exposure to MDHHS and Calhoun County Public Health Department or their designees to aid in contact tracing and case investigation efforts.

C. The quarantine must occur at the person's home, or at such other location, that will permit them to refrain from public contact or gatherings, whether indoors or outdoors.

D. The quarantine shall occur in the manner required by the Calhoun County Public Health Department under guidance by the CDC and the Michigan Department of Health and Human Services (MDHSS), at the time the contact occurred.

E. This order does not apply to individuals who are fully vaccinated, as defined by the CDC Guidelines, or who have had COVID-19 in the last 90 days, have not developed new symptoms, and are currently asymptomatic.

F. An employer, school, or other organization that requires or permits a close contact to act contrary to this Order is also in violation of this Order and subject to the penalties prescribed by the Michigan Public Health Code.

G. A person or organization who violates an order of a local health officer is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$200.00, or both; per MCL 333.2443.

H. This Order may also be enforced pursuant to Part 24 of the Michigan Public Health Code, being MCL 333.2401 through MCL 333.2498.

I. Administrative relief from this Order may be granted in appropriate circumstances. A person aggrieved of this Order must first notify the Calhoun County Corporation Counsel of all the reasons that this order should not apply to them. Within two-business day following said notice, the Calhoun County Health Officer or his designee will issue a written response affirming, revoking, or modifying this Order as it applies to that specific person. After this response, if that person is still aggrieved of the order, that person may seek judicial review under MCL 333.2462 (2).

J. The Order issued on May 10, 2021, is rescinded effective 11:59 p. m. on September 30, 2021.

K. This Order is effective 12:01 a.m. on October 2, 2021.

A handwritten signature in black ink, appearing to read "Eric R. Pessell", is written over a horizontal line.

Eric R. Pessell  
Administrative Health Officer  
Calhoun County Public Health Department

Date and Time Signed: 09/30/21 7:00 p.m.