

CHAPTER 1079**COMMUNICABLE AND INFECTIOUS DISEASES
AND PUBLIC HEALTH DISASTERS —
NOTIFICATION, INVESTIGATION, AND CONTROL**

S.F. 2322

AN ACT relating to the investigation and control of communicable and infectious diseases and notification procedures concerning diseases, health conditions, unusual clusters, or suspicious events which may be the cause of a public health disaster.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135.145, subsections 1, 2, and 3, Code 2005, are amended to read as follows:

1. When the department of public safety or other federal, state, or local law enforcement agency learns of a case of a reportable disease or health condition, unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department or agency shall immediately notify the department, the administrator of the homeland security and emergency management division of the department of public defense, the department of agriculture and land stewardship, and the department of natural resources as appropriate.

2. When the department learns of a case of a reportable disease or health condition, an unusual cluster, or a suspicious event that ~~the department reasonably believes could potentially be caused by bioterrorism or other act of terrorism~~ may be the cause of a public health disaster, the department shall immediately notify the department of public safety, the homeland security and emergency management division of the department of public defense, and other appropriate federal, state, and local agencies and officials.

3. Sharing of information on reportable diseases, health conditions, unusual clusters, or suspicious events between the department and public safety authorities and other governmental agencies shall be restricted to sharing of only the information necessary for the prevention, control, and investigation of a public health disaster.

Sec. 2. Section 139A.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Area quarantine" means prohibiting ingress and egress to and from a building or buildings, structure or structures, or other definable physical location, or portion thereof, to prevent or contain the spread of a suspected or confirmed quarantinable disease or to prevent or contain exposure to a suspected or known chemical, biological, radioactive, or other hazardous or toxic agent.

Sec. 3. Section 139A.3, subsection 2, paragraphs a and b, Code 2005, are amended to read as follows:

a. Any person who, acting reasonably and in good faith, files a report, releases information, or otherwise cooperates with an investigation under this section ~~chapter~~ is immune from any liability, civil or criminal, which might otherwise be incurred or imposed for ~~making a report such action~~.

b. A report ~~to~~ or other information provided to or maintained by the department, ~~to~~ a local board, or ~~to~~ a local department, which identifies a person infected with or exposed to a reportable or other disease or health condition, is confidential and shall not be accessible to the public.

Sec. 4. Section 139A.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A health care provider or public, private, or hospital clinical laboratory shall provide the department, local board, or local department with all information reasonably necessary to conduct an investigation pursuant to this chapter upon request of the de-

partment, local board, or local department. The department may also subpoena records, reports, and any other evidence necessary to conduct an investigation pursuant to this chapter from other persons, facilities, and entities pursuant to rules adopted by the department.

Sec. 5. Section 139A.4, Code 2005, is amended by adding the following new subsection: NEW SUBSECTION. 4. The department and local boards may impose and enforce area quarantine restrictions according to rules adopted by the department. Area quarantine shall be imposed by the least restrictive means necessary to prevent or contain the spread of the suspected or confirmed quarantinable disease or suspected or known hazardous or toxic agent.

Approved April 21, 2006

CHAPTER 1080

DEPENDENT ADULT ABUSE — EMERGENCIES — TEMPORARY CONSERVATOR

H.F. 2147

AN ACT relating to the temporary appointment of a conservator for a dependent adult in an emergency situation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 235B.19, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Notwithstanding section 633.573, upon a finding that there is probable cause to believe that the dependent adult abuse is producing irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may order the appointment of a temporary conservator without notice to the dependent adult or the dependent adult's attorney if all of the following conditions are met:

(1) It clearly appears from specific facts shown by affidavit or by the verified petition that immediate and irreparable injury, loss, or damage will result to the physical or financial resources or property of the dependent adult before the dependent adult or the dependent adult's attorney can be heard in opposition.

(2) The department certifies to the court in writing any efforts the department has made to give the notice or the reasons supporting the claim that notice should not be required.

(3) The department files with the court a request for a hearing on the petition for the appointment of a temporary conservator.

(4) The department certifies that the notice of the petition, order, and all filed reports and affidavits will be sent to the dependent adult by personal service within the time period the court directs but not more than seventy-two hours after entry of the order of appointment.

b. An order of appointment of a temporary conservator entered by the court under paragraph "a" shall expire as prescribed by the court but within a period of not more than thirty days unless extended by the court for good cause.

c. A hearing on the petition for the appointment of a temporary conservator shall be held within the time specified in paragraph "b". If the department does not proceed with a hearing on the petition, the court, on the motion of any party or on its own motion, may dismiss the petition.