

Emergency Rules Proposed Pursuant to A.S.C.A. § 4.1010

Chapter 7 – Quarantine and Isolation Emergency Rules

Part 1 – Authority and Definitions

11.0701 Authority, Effective Date, and Expiration

(a) The Director of Health finds:

- (1) That the Director of Health is empowered to promulgate rules to protect the public health pursuant to A.S.C.A. §§ 13.0241 and 13.0327;
- (2) On January 30, 2020, the Governor of American Samoa declared a Public Health Emergency due to the threat of Covid-19, a communicable disease;
- (3) The Governor has extended the state of emergency multiple times and remains effective;
- (4) The use of quarantine and isolation is key to prevent the spread of Covid-19;
- (5) A.S.C.A. § 13.0215 provides for the use of quarantine and isolation to prevent the spread of communicable diseases;
- (6) The Governor suspended A.S.C.A. § 13.0215(d)(3) in part to allow the Department of Health to quarantine a person for up to 14 days without notice or a hearing; and
- (7) The Director of Health finds that there is an imminent peril to public health which requires the promulgation of emergency rules pursuant to A.S.C.A. § 4.1010.

(b) The rules in this chapter shall be in full force and effect when they are filed with the Secretary of American Samoa.

(c) The provisions of this chapter shall expire 120 days after they become effective or upon the promulgation of new rules which supersede these emergency rules.

(d) Nothing in this chapter shall be construed to limit the authority of the Board of Directors or the Chief Executive Officer of the Medical Center to administer their facilities.

11.0702 Definitions

As used in this chapter, these terms shall have the following meanings:

- (1) "Directive" shall mean a directive to quarantine or isolate an individual as authorized by A.S.C.A. § 13.0215.
- (2) "Director" shall mean the Director of the Department of Health as defined in A.S.C.A. § 13.0203.
- (3) "Facility" means any building or location that is or intended to be used to house individuals or groups in quarantine or isolation.

- (4) "Isolate", "isolated", or "isolation" means the physical separation and confinement of an individual or groups of individuals who are infected or reasonably believed to be infected with a contagious or possibly contagious disease from non-isolated individuals, to prevent or limit the transmission of the diseases to non-isolated individuals.
- (5) "Quarantine" means the physical separation and confinement of an individual or groups of individuals, who are or may have been exposed to a contagious or possibly contagious disease and who do not show signs or symptoms of a contagious disease, from non-quarantined individuals, to prevent or limit the transmission of the disease to non-quarantined individuals.

Part 2 – Initiating Quarantine and Isolation

11.0703 Initiation of Quarantine

Quarantines can be initiated by:

- (1) Order of the Governor or the Director pursuant to a declared state of public health emergency; or
- (2) By the order of the Director or his or her designee based on:
 - (A) A medical assessment, including testing, that an individual or group of individuals were or may have been exposed to a contagious or possibly contagious disease and who do not show signs or symptoms of a contagious disease; or
 - (B) When an individual enters an area where individuals or groups have been quarantined or isolated.

11.0704 Initiation of Isolation

Isolation may be initiated by order of the Director or his or her designee when the Director or his or her designee believes the individual or group of individuals is infected or reasonably believed to be infected with a contagious or possibly contagious disease.

11.0705 Length of Quarantine or Isolation

Based on medical investigation, including but not limited to evaluation and testing, an individual or group of individuals may be:

- (1) Released from quarantine or isolation; or
- (2) The conditions of the quarantine or isolation may be altered.

11.0706 Placement of Persons in Quarantine or Isolation

- (a) Persons who are quarantined or isolated will be assigned to designated facilities or their homes based on factors including, but not limited to:
 - (1) Continuing medical assessment of needs;
 - (2) Results of medical testing;
 - (3) Prior travel of individuals;
 - (4) Assessment of exposure to communicable diseases;
 - (5) Accommodation of individuals with disabilities;
 - (6) The availability of facilities;

- (7) The preference to avoid family separation, to the extent possible;
 - (8) The protection of vulnerable populations, including but not limited to unaccompanied minors, elderly, and disabled persons; and
 - (9) Availability of quarantine and isolation facilities.
- (b) Prior to allowing a person to be quarantined at home, the Department of Health will assess the home to determine if a person can be quarantined in a manner that prevents exposure of other members of the household.

11.0707 Service of Directive

- (a) Any individual who is placed in quarantine or isolation shall be served with a copy of the directive to quarantine or isolate that person using a form that is approved by the Director.
- (b) If a person is a minor, the directive to quarantine or isolate shall be served on the parent or guardian of the minor.
- (c) If a person subject to quarantine or isolation is incompetent, the directive to quarantine or isolate shall be served on the person's guardian.
- (d) If the written directive applies to a group of individuals and it is impractical to provide individual copies, the Directive may be posted in a conspicuous place in the isolation or quarantine premises.
- (e) The directive quarantine or isolate shall be kept on file at the Department of Health.
- (f) A copy of each directive to quarantine or isolate shall be provided to the Office of the Attorney General.

Part 3 –Quarantine and Isolation Facilities

11.0708 Inspection of Facilities

Any facility designated as a place to quarantine or isolate individuals, including homes or village-operated locations, and excepting facilities operated by the Department of Medical Services, must be inspected and approved by the Department of Health before use as a facility.

11.0709 Department of Health Provided Facilities

Department of Health provided facilities will provide:

- (1) Competent medical care;
- (2) Adequate food;
- (3) Clothing as needed;
- (4) Shelter;
- (5) Clean beds or sleeping cots;
- (6) Toilets;
- (7) Shower or bathing facilities; and
- (8) Access to outside communications.

11.0710 Entry into isolation or quarantine facilities

- (a) The department may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

- (b) Any individual entering isolation or quarantine premises without authorization of the department or without adequate personal protective equipment may be isolated or quarantined when reasonably necessary to protect the public's health.

11.0711 Gifts and Donations

- (a) Each facility will have a dedicated and marked area where members of the public may bring food or other personal items for individuals who have been quarantined or isolated. The person who is leaving food or other personal items may designate that the food or personal items are for a specific person or that the donated items may be shared with individuals at the facility.
- (b) No personal contact will be between a person dropping off items and individuals who are quarantined or isolated will be allowed.
- (c) The Director or his or her designee may limit the amount and type of items or food that may be left in order to maintain the health and welfare of the facilities.
- (d) The American Samoa Government will not be the bailee of any property left at any facility.

Part 4 – Surveillance and Release

11.0712 Surveillance

- (a) Individuals in quarantine or isolation will be assessed at least once per day by a medical professional.
- (b) The conditions of each individual or group in quarantine or isolation will be assessed to determine if they may be released or if reassignment to another facility is appropriate in accordance with A.S.A.C. § 11.0713.

11.0713 Extension of Quarantine or Isolation

- (a) If the Director or his or her designee believes that a person may need to be quarantined or isolated for longer than the time allowed for a quarantine or isolation without notice, the Director shall notify the Office of the Attorney General. The Attorney General will petition for continued quarantine or isolation pursuant to A.S.C.A. § 13.0215(d)(3).
- (b) The Director will notify the Office of the Attorney General within:
 - (1) 10 days of the commencement of a quarantine or isolation without notice so long as the Governor's Declaration of Continued Public Health Emergency suspends A.S.C.A. § 13.0215(d)(3) in part to allow quarantine or isolation without notice for up to 14 days; or
 - (2) 6 days of the commencement of a quarantine or isolation if A.S.C.A. § 13.0215(d)(3) is not suspended.

Acknowledgment of Filing



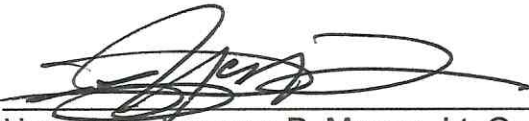
Leo'o Ma'o
Secretary of the Senate

Date: 06/18/2020
2:58 pm



Vaiaitu Mulinu Maluia
Clerk of the House of Representatives

Date: 06/18/20
2:59 pm



Honorable Lemanu P. Mauga, Lt. Governor
Secretary of American Samoa

Date: 19 June 20

American Samoa Administrative Code Title 11, Chapter 7, emergency rules to prescribe uniform standards for the administration of Covid-19 related quarantine and isolation by the Department of Health become effective on:

June 19, 2020



Mitzie Jessop Taase
Acting Attorney General of American Samoa