

Legal Consultation Meeting - Hypothetical Scenario

For each of the three sets of questions, each table should be prepared to report:

1. **Gaps in viability and sufficiency of legal authorities available to restrict the movement of persons, and to close public places or limit/prohibit gatherings of people, in the event that the jurisdiction was threatened by pandemic influenza. Gaps should include legal, procedural, or logistical problems related to using the authorities, and enforcement of social distancing measures.**
2. **Questions that arose.**

Scenario –

Worldwide

- In last 30 days, World Health Organization and Centers for Disease Control and Prevention confirm novel, virulent influenza A (H5N1) on several continents
- November 16 CDC confirms isolation of same strain from ill persons in several U.S. cities
- None yet in Michigan
- Illness typically presents as classical influenza with abrupt onset of fever, malaise, myalgia (muscle aches), cough, and runny nose.
- In approximately 20% of cases, illness rapidly progresses to a primary viral pneumonia, acute respiratory distress syndrome, and death.
- At-risk populations include persons in all age groups regardless of their previous health (i.e., includes persons who previously have been in good health, as well as those with pre-existing chronic disease conditions).
- The average incubation period (i.e., time from patient's exposure to an infected person to time of onset of initial symptoms) is approximately 36-48 hours
- Available information includes:
 - No info on effectiveness of current influenza vaccine on prevention
 - Marginal effectiveness seen with use of antivirals to attenuate or prevent disease.

Michigan

- Activation of Michigan Department of Community (MDCH) Health Pandemic Influenza Plan for intensified morbidity, laboratory and mortality surveillance. This includes:
 - Influenza Like Illness (ILI) reporting from sentinel physicians throughout state

- Syndromic Surveillance:
 - Emergency Room visits for ILI
 - Sale of Over the Counter medications for Influenza
- Requested Local Health Departments to report suspect cases electronically into Michigan Disease Reporting System

Today- November 20

- ILI reports in Metro Detroit and elsewhere in Michigan
- Notifications made: MDCH Surveillance Section ➡ Dr. Corinne Miller, State Epidemiologist ➡ Dr. Gregory Holzman, Chief Medical Executive ➡ Janet Olszewski, Director of MDCH ➡ Governor Granholm
- State Emergency Operations Center activated

Present Situation

- Small numbers of cases of ILI have been reported in all age groups in Detroit
- A cluster of ILI cases in residents and staff of one large stepped-care facility in Detroit. This facility transfers patients daily to two acute-care hospitals for management of routine medical issues.
- A cluster of ILI cases in and teachers at one middle school in the metropolitan area.
- A small cluster of ILI cases among city bus drivers and other transit workers.
- Detroit Metro Airport: 2 inbound transoceanic planes coming from locations with novel influenza have passengers with ILI. Estimated Time of Arrival: 1 and 2 hours from now

Upcoming Events

- Statewide pre-Thanksgiving school events planned for this year to commemorate new historical discoveries about the first Thanksgiving.
- Family and social seasonal Thanksgiving gatherings.
- Thanksgiving Day Parade in downtown Detroit, expected to draw thousands of spectators huddled along the parade route.
- A sold-out Thanksgiving Day (November 22) Detroit Lions football game to be played in Ford Field in downtown Detroit.
- The opening of a new, nationally promoted blockbuster film the day following Thanksgiving in movie theater chains.
- Kickoff of the traditional post-Thanksgiving holiday shopping season in malls across the state.
- Multi-denominational services planned to be held in memory of victims of a recent flood disaster Thanksgiving eve including a candlelight vigil and walk to begin at 8:00 pm with a gathering in front the Blessed Sacrament Cathedral, downtown Detroit

Given this scenario, the Governor, and state and local officials, are all asking their key agencies and staff to assess the situation and offer opinions as to options for response, including social distancing measures that may be implemented. To provide advice at the state or local level, it essential that you are familiar with the law and applicable response and operational plans. Please discuss the following questions, to assist you in formulating your advice for responding to this situation.

Consider the types of actions, which may be needed to prevent the spread of a pandemic influenza virus at various stages of evolvment.

Question Set #1

1. What types of actions may be considered in response to an increase in ILI reported from Michigan hospitals in a metropolitan area?
2. Who takes these actions?
3. What is the legal authority to support these actions?
4. What (which) agencies will supply the resources necessary to take these actions?
5. Are there procedural requirements, limitations, or conditions on taking these actions?
6. How would you respond to the above questions if the Governor issues a declaration of a state of disaster? (“disaster” includes occurrence or threat of epidemic; declaration could be statewide or for specific counties/cities)

Question Set #2

As a result of notification that two airliners will be landing at Detroit Metro Airport within 2 hours and that they are carrying passengers from an area with documented cases of pandemic influenza who are symptomatic of the illness themselves:

1. Describe what actions, if any, should be taken in response to the captains' reports?
2. Who makes this decision?
3. Who implements the decision?
4. What is the legal authority to support these actions?
5. What (which) agencies will supply the resources necessary to take these actions?
6. Are there procedural requirements, limitations, or conditions on implementing these actions?

Question Set #3

Consider the mentioned upcoming events, which would involve large social gatherings.

1. Describe threat or danger to Michigan's residents, if any, that each event presents.
2. What responses/measures might be used to mitigate the potential danger or threat? (List each response or measure, include "do nothing" as one of the options)
3. For each response or measure:
 - a. What is the legal authority for the response or measure?
 - b. Who has the legal authority to take the response or measure?
 - c. Who/how are decisions made when there is more than one governmental body or official with authority (i.e. concurrent jurisdiction)? "Who" is responsible for "what"?
 - d. How would the response or measure be implemented?
 - e. Are there procedural requirements, limitations, or conditions on implementing this response or measure? If so, describe.
 - f. How would the response or measure be enforced?
 - g. What are the pros for this response or measure (political, economic, health or other)?
 - h. What are the cons for this response or measure (political, economic, health or other)?
 - i. What do you recommend to the Governor, or state or local officials?