

**BOARD OF COUNTY COMMISSIONERS
CHAUTAUQUA COUNTY, KANSAS**

RESOLUTION NO. 2022-03

**A RESOLUTION ADOPTING SHORTENED
COVID-19 ISOLATION GUIDELINES**

PREAMBLE

WHEREAS, the Centers for Disease Control (“CDC”) again issued shortened isolation guidance stating, in pertinent part, as follows:

Accumulating evidence demonstrates the majority of transmission occurs during the early periods of infection. In just a few weeks, Omicron has become a dominant virus strain due to the highly transmissible nature of the variant. These updated recommendations come as the Omicron variant is now rapidly spreading throughout the United States causing very high case rates. The recommendations reflect the societal impact (e.g., critical infrastructure and staffing shortages) and the latest science on disease severity and when and for how long a person is maximally infectious. CDC will continue to evaluate these recommendations as more data become available.¹;

WHEREAS, the Kansas Department of Health and Environment (“KDHE”) has included CDC’s shortened guidance on its website as an option for local health departments, stating, in pertinent part, as follows:

CDC has released modified guidance allowing for shorter quarantine periods to increase better compliance with quarantine and increase people

¹What We Know About Quarantine and Isolation, Updated Jan. 4, 2022, Frequently asked Questions, “What prompted you to change your guidance?” www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine-isolation-background.html

getting tested. Local Health Departments may choose to opt into this guidance.²;

WHEREAS, on December 30, 2021, KDHE updated the quarantine guidelines to provide an alternative to in-home quarantine, stating, in pertinent part, as follows:

If unable to quarantine, individuals must wear a mask for 10 days. If possible, individuals should get tested on day 5. (Emphasis added).³

WHEREAS, on January 20, 2022, CDC updated the quarantine guidelines to provide an alternative to in-home quarantine, stating in pertinent part as follows:

If you are unable to quarantine, you should wear a well-fitting mask for 10 days when around others at home and in public⁴.

WHEREAS, in light of the further shortened guidelines from the CDC, the Chautauqua County Board of County Commissioners (“BOCC”) wishes to revise the isolation and quarantine policy for Chautauqua County (“County”);

WHEREAS, the BOCC has determined that it is in the best interests of the citizens of the County that there be a document clearly setting forth the Chautauqua County Health Department’s (“Health Department”) policy on COVID-19 isolation and quarantine;

WHEREAS, K.S.A § 65-201 states, in pertinent part, as follows;

(a) *The board of county commissioners of each county shall act as the county board of health for the county....* (b) Any order issued by the local health officer, including orders issued as a result of an executive order of the governor, may be reviewed, amended or revoked by the board of county commissioners of the county affected by such order at a meeting of the board. Any order reviewed or amended by the board shall include an expiration

² Isolation and Quarantine, Local Health Department, Shortened Quarantine Guidance, <https://www.coronavirus.kdheks.gov/DocumentCenter/View/1640/Shortened-Quarantine-Guidance-PDF---3-10-21>

³ KDHE Updates Isolation and Quarantine Guidance posted December 30, 2021

⁴ [COVID-19 Quarantine and Isolation](#) | CDC, updated January 20, 2022

date set by the board and may be amended or revoked
at an earlier date by a majority vote of the board.

(Emphasis added), and;

WHEREAS, both the Constitution of the State of Kansas and the Constitution of the United States require that when the government infringes on personal liberties in a pandemic, the government must use the least restrictive means which must be narrowly tailored to achieve the public health interest;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. **Incorporation.** The Preamble set forth above is incorporated into this resolution by reference as if here fully set forth.
2. **Individuals Who Are REQUIRED to Isolate.** Individuals who have a positive test for COVID-19, regardless of whether or not they have symptoms.
3. **Isolation Period.**
 - a. **Tested Positive with Symptoms.** Five (5) days from the first day of symptoms. Day 0 is the first day of symptoms. Day 1 is the first full day after symptoms developed. Isolation ends after five (5) full days if fever free for 24 hours without the use of fever-reducing medication.
 - b. **Tested Positive NO Symptoms.** Five days from the date of your test. Day 0 is the date the specimen was given, which when tested comes back positive. Day 1 is the first full day after that specimen. Isolation ends after five (5) full days if fever free for 24 hours without the use of fever-reducing medication.
4. **Maximum isolation period is 5 days.** No individual or group of individuals shall be ordered to isolate for more than five (5) days. No individual or group of individuals shall be ordered to remain in isolation for more than five (5) unless they are not fever-free for 24 hours without the use of fever-reducing medication.
5. **Quarantine.** No individual or group of individuals shall be ordered to quarantine on the basis that there has been exposure or close contact with an individual who has a positive COVID-19 test.
6. **Ineligible Individuals.** The following are not subject to the policy set forth herein:

- a. In-patients hospitalized due to COVID-19,
- b. residents of long-term care and assisted living facilities, and
- c. offender populations in Department of Corrections prisons.

7. Miscellaneous.

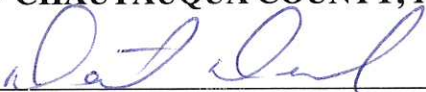
- a. **Effective Date.** This resolution shall become effective as of January 24th, 2022.
- b. **Expiration.** This resolution shall expire on July 18th, 2022 at 8:30 a.m. CST.
- c. **Severability.** Should any section, clause, or provision of this resolution be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of this resolution as a whole, or any part thereof, other than the part declared to be invalid.

Commissioners present and voting were:

David Deal	<u>YES</u>
Rodney Shaw	<u>YES</u>
Parker Massey	<u>YES</u>

Dated this 24th day of January, 2022.

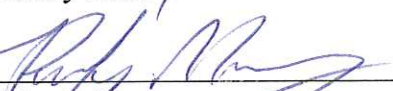
**BOARD OF COUNTY COMMISSIONERS
OF CHAUTAUQUA COUNTY, KANSAS**



David Deal
Chairman

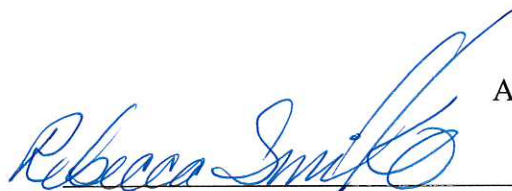


Rodney Shaw



Parker Massey

ATTEST:



Becky Smilko, Chautauqua County Deputy Clerk