



Health Officers, Communicable Disease, & COVID-19

New Hampshire Municipal Association

Updated: July 22, 2020 (Removed Outdated Contact Information/Added DHHS Request)

The New Hampshire Municipal Association (NHMA) has received a number of questions about the local health officer's role with regard to the issues of quarantines, cancelling public events, and taking other actions in response to COVID-19. We have created this written guide in order to assist local health officers.

First, **pursuant to RSA 128:5, on July 20, 2020, the Department of Health and Human Services (DHHS) required the assistance of local health officers to conduct sanitary investigations** to help assess compliance with the public health guidelines issued by the Governor and, in turn, reduce the spread of COVID-19. Local health officers which have not received this information should contact DHHS's Division of Public Health Services (DPHS) to obtain it.

Second, local health officers should participate in the periodic briefings conducted via Zoom by DPHS, and other briefings as those occur. Any health officer who is not receiving periodic updates via the DPHS maintained health officer listserv should contact DPHS to obtain access to that resource.

Third, local health officers should familiarize themselves with [RSA chapter 141-C](#), pertaining to infection diseases and the related chapter in the [Health Officers Manual](#). Notably, **local health officers should be aware that they have a support role to DHHS** throughout that chapter. RSA 141-C:3-4 charges DHHS and its Commissioner with identifying, investigating, and testing for communicable diseases – diseases which can spread throughout communities – and coordinating medical, municipal, and other services as necessary to control and, if possible, eradicate such diseases.

- [RSA 141-C:5](#) requires local health officers to assist DHHS, when requested to do so, in the establishment and maintenance of isolation and quarantine in their respective cities and towns.
 - Local health officers do not have the independent authority to order isolation or quarantine. [RSA 141-C:11-:12](#).
 - Local health officers in communities where DHHS has identified individuals who have or may be at risk for contracting COVID-19 may be contacted by DHHS to assist in isolation or quarantine measures if appropriate. [RSA 141-C:5](#).
 - DHHS will notify local health officers if DHHS feels it is appropriate to extend isolation or quarantine authority to local health officers. [RSA 141-C:12](#); [RSA 141-C:5](#).
- [RSA 141-C:7](#), local health officers shall report individuals who they know or believe to be afflicted with a communicable disease to DHHS.

- DHHS is working closely with medical professionals and, to the extent necessary, local health officers to identify individuals who have or may be at risk for contracting COVID-19 and is taking appropriate measures to isolate those individuals.
- [RSA 141-C:13](#) establishes that DHHS has lead authority on isolations and quarantines, and is the appropriate agency to take action where isolation or quarantine is broken.
- [RSA 141-C:14](#) states that “[i]f any person shall, without permission of the commissioner, his designee, or a health officer acting on the request of the commissioner, enter a place of isolation or quarantine . . . or enter a place designated for the treatment of persons placed under isolation or quarantine and such person is not an employee or agent of the facility providing such treatment, he shall be considered infected and ordered to undergo isolation or quarantine under [RSA 141-C:11](#) [until such time as DHHS determines otherwise].” Health officers should be prepared to report such incidents to DHHS pursuant to their obligations under RSA 141-C:7 if they occur.
 - In addition to any order to quarantine, a violation of any provision of RSA Chapter 141-C is a misdemeanor if a natural person or felony if any other person. [RSA 141-C:21](#).
 - [RSA 141-C:20](#). DPHS Infectious Disease Control Program may request that local health officers assist with providing educational information for their community.

[RSA 141-C:16-b](#). The Commissioner of DHHS via written order, with written approval of the Governor, may cancel public events. Note that towns and cities may decide to voluntarily cancel their *own* municipal events due to a concern for public health, but they may *not* order the cancellation of others’ events.

- Cancellations may be ordered throughout the state or in only particular geographic areas of the state. RSA 141-C:16-b.
- “Notice shall also be given to the public in a manner that is reasonably likely to be available to the members of the public affected by the order.” RSA 141-C:16-b. Likely, any such cancellations will receive widespread news coverage.
- “Such order shall be effective immediately.” RSA 141-C:16-b.

[RSA 141-C:16-a](#). Technically, only the Commissioner of DHHS, via written order, with written approval of the Governor, may order the closure and decontamination of any building (for purposes of communicable disease only).

- Note, of course, that governing bodies have broad authority to manage town property under [RSA 41:11-a](#). Similarly, other “managing bodies”, such as the library trustees and school boards, have broad authority over their own real estate. Such managing authorities may take reasonable steps to decontaminate the buildings over which they have authority without prior order by the Commissioner, if they deem it necessary.
- If necessary the Commissioner of DHHS, with the written approval of the Governor, may establish, operate, or authorize “temporary acute care centers” for the purposes of the delivery of acute medical services to persons who would normally require admission to an acute care hospital. [RSA 141-C:26](#).

Finally, local health officers should be aware that they have a leadership role in certain State health laws and local codes relating to rental housing standards, health nuisances, and certain health

inspections. There may be opportunities to reduce the spread of communicable diseases via improved assessment and enforcement of these existing laws.

- [RSA 128:5](#) for ‘Town Health Officers’ requires a local health officer to undertake certain tasks, including: I. Shall enforce the public health laws and rules. II. Shall make such sanitary investigations as may be directed by the local board of health, or as may be required by the department of health and human services.
- [RSA 48-A:8, I](#) for ‘Housing Standards’, requires an enforcement officer (e.g. health or code officers) to investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
- [RSA 147:3](#) for health ‘Nuisances’ requires that health officers of towns... shall inquire into all nuisances and other causes of danger to the public health

RSA 141. <http://www.gencourt.state.nh.us/rsa/html/X/141-C/141-C-mrg.htm>

RSA 128. <https://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-X-128.htm>

RSA 48-A. <https://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-III-48-A.htm>

RSA 147. <http://www.gencourt.state.nh.us/rsa/html/X/147/147-mrg.htm>

NH Health Officers Manual. Chapter on Infectious Disease.

<https://www.dhhs.nh.gov/dphs/holu/documents/hom-commmdisease.pdf>