Public Health Legal Tools for Noncompliant Patients with Infectious Tuberculosis

Background
A number of public health legal tools can be employed to prevent the transmission of contagious diseases that pose a significant risk to the public’s health. In Alaska, these tools are most commonly used to prevent noncompliant patients with infectious tuberculosis (TB) from spreading disease to the public. Federal travel restriction and intervention tools, federal isolation orders, and state medical officer orders can be used in such situations. Travel restriction tools are useful to consider in Alaska, as residents are heavily dependent on air travel. The purpose of this Bulletin is to increase health care provider awareness of these tools in order to help promote their use, when appropriate.

Federal Travel Restriction and Isolation Orders
Federal travel restriction and intervention tools can be used to prevent individuals who meet specific criteria (Box) from boarding commercial aircraft inbound to, outbound from, or within the United States.1 This list is for air conveyances only and does not prevent passengers from boarding ships, buses, or trains.1 The DNB list, administered by the U.S. Transportation Security Administration, prevents an individual from boarding commercial aircraft seeking and implementing a quarantine or isolation order.1 The Lookout (LO) list alerts CBP officers to notify public health enforcement agencies, and cooperation of hospitals with federal isolation orders, and state medical officer orders can be used in such situations.2

Box. Criteria for Placement on the Federal Public Health Do Not Board and Lookout (LO) lists

1. Contagious, likely contagious, or at risk of becoming contagious with a communicable disease that represents a public health risk;
2. Noncompliant with public health recommendations or unaware of diagnosis; and
3. At risk of traveling on a commercial flight or traveling internationally.

Do Not Board List
The DNB list, administered by the U.S. Transportation Security Administration, prevents an individual from boarding a commercial aircraft inbound to, outbound from, or within the United States.1 This list is for air conveyances only and does not prevent passengers from boarding ships, buses, or trains.1 Individuals on the DNB list, a public health list, are not part of the Do Not Fly list, which is used for law enforcement purposes.3

Lookout List
Administered by the U.S. Customs and Border Protection (CBP), the LO list alerts CBP officers to notify public health authorities when an individual on the list attempts to enter the United States at a port of entry.1

Federal Isolation Orders
Federal isolation orders are authorized by Executive Order for nine quarantinable diseases.4

Case Example
In 2011, a 49-year-old male from rural Alaska was hospitalized in Anchorage for active bilateral cavitary TB. The patient had been diagnosed with pulmonary TB in 1996, but avoided public health nurses and was lost to follow up before completing treatment. Sputum smears obtained during the patient’s 2011 hospitalization were positive for acid-fast bacilli (AFB; 4+), culture-positive for Mycobacterium tuberculosis, and susceptible to first-line therapy. The patient was restarted on standard TB treatment. After hospital discharge, the patient repeatedly threatened to fly back home and continue treatment. Therefore, Alaska Section of Epidemiology (SOE) TB Program staff worked with the CDC Anchorage Quarantine Station to place this patient on the DNB/LO lists. During a conference call, it was determined that the patient met the DNB/LO list criteria. The patient was added to the DNB/LO lists within 24 hours and remained on the lists for 4 months, due to continued infectiousness. Subsequently, after receiving confirmation from SOE that the patient was no longer infectious, the patient was removed from the DNB/LO lists. Six weeks later, the patient completed treatment and returned home.

State Medical Officer Orders
A state medical officer may issue orders that require testing, examination, or screening of a nonconsenting individual if the individual has or may have been exposed to a contagious disease that poses a significant risk to the public (e.g., TB).3

Summary
Federal and state public health legal tools may be used with noncompliant TB patients under specific circumstances. These tools should be considered only when all other interventions have been unsuccessful.

Recommendations
1. Health care providers should be aware that federal and state public health legal interventions exist to assist in managing noncompliant TB patients.
2. Health care providers managing patients with infectious TB should ask them about future travel plans.
3. Health care providers should promptly inform SOE of any patient with infectious TB who is noncompliant with public health recommendations, and specify if there is a concern about travel (call 907-269-8000).

References
2. CDC. Legal authorities for isolation and quarantine. Available at: www.cdc.gov/quarantine/AboutLawsRegulations/QuarantineIsolation.html

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