

Mass Dispensing, Health Volunteers and Quarantine

HF 1554 / SF 1462

Description

The Minnesota Department of Health (MDH) is recommending updates to the state's emergency preparedness laws to: prescribe and store medications; provide flexibility calling upon the Minnesota Responds Medical Reserve Corps volunteers; extend liability protections for businesses helping with mass dispensing; continue quarantine provisions for peace officers' enforcement role, clear up language related to court-appointed counsel, and add interpreters and health experts.

Background

Isolation and Quarantine

The Legislature in 2002 passed the modern quarantine law to expedite due process protections and fair treatment principles for persons recommended for isolation or quarantine (I/Q).

Two provisions about a peace officer's authority to enforce I/Q orders expire in 2009. There are also slight differences in language between enforcing a commissioner's temporary hold directive and enforcing a court order and payment of counsel.

MDH and the Office of State Court Administration developed reference materials and drew upon volunteers from the private bar for a panel of defense attorneys to represent persons who wish to contest public health's recommendation for I/Q. Procedures are needed to compensate language interpreters and medical experts essential for effective defense by the court-appointed counsel.

Mass Dispensing

The commissioner of health may authorize any individual with training and supervision to administer medications to protect the public's health and safety. This authority applies only to local or state declared emergencies, and will sunset in August 2009. The proposed legislation will remove the sunset and extend the law to non-emergency events.

Alternative methods of mass dispensing and related liability protections will be needed to meet federal goals to distribute emergency drugs to all Minnesotans within 48 hours.

Minnesota is a pilot state for the federal Cities Readiness Initiative Postal Plan, by which emergency drugs would be distributed by the United States Postal Service carriers to residences in portions of the metro area.

Minnesota Responds Medical Reserve Corps

The 2008 Minnesota Responds Medical Reserve Corps (MRC) law authorizes the commissioner to request volunteers to support local needs but did not include provisions to request volunteers to support state activities.

Health volunteers who are registered in the Minnesota Responds MRC may receive compensation from their employers, such as vacation leave or pay, during an authorized deployment. MRC volunteers should not have state liability and workers compensation protections affected by compensation that they may receive from their employer.



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MDH recently acquired the Minnesota Mobile Medical Unit (MMU) to serve as a replacement for, or supplement to, local medical care after a disaster. MRC volunteers need liability and workers compensation protections for training, mobilization, or deployment to maintain the MMU in an emergency-ready state.

Commissioner Prescribing and Possession of Prescription Drugs

During serious emergencies, where time is absolutely critical, requirements for drug labeling and medical screening practices may be a hindrance to effective and timely distribution of emergency drugs to the public.

Proposal

This proposal recommends amendments to current statutes regarding isolation and quarantine (144.4195); mass dispensing (144.4197); alternative means to speed mass dispensing (144.4198); pharmacy prescribing and possession of legend drugs (151.37); and the Minnesota Responds Medical Reserve Corps (145A.06).

Isolation and Quarantine

The amendments to Minnesota Statutes section 144.4195 will:

- remove the sunset on peace officers authority to use force when a person flees or forcibly resists I/Q required by a court order or by a commissioner's temporary hold directive;
- direct the Supreme Court to develop compensation procedures for language interpreters and medical experts who assist appointed defense counsel; and
- remove a statutory inconsistency so that persons who wish to challenge recommended I/Q have the opportunity to have the trial court appoint defense counsel to be paid by the state or local health agency seeking the order.

Mass Dispensing

The amendments to Minnesota Statutes section 144.4197 will:

- remove the sunset provision; and

- expand the commissioner's authority to designate individuals permitted to administer medications where a local board of health requests the commissioner's assistance.

The new language proposed for Minnesota Statutes section 144.4198 will:

- add and define alternative methods of mass dispensing; and
- provide liability protections for closed point of dispensing sites.

Minnesota Responds Medical Reserve Corps Law

The amendments to Minnesota Statutes section 145A.06 will:

- clarify the commissioner's authority to request MRC health volunteers;
- clarify the commissioner's authority to provide MRC volunteers liability and workers' compensation protection in support of the MMU; and
- clarify that a MRC volunteer's rights and benefits are not affected by any vacation leave, pay, or other compensation provided by the volunteer's employer during volunteer service requested by the commissioner.

Commissioner Prescribing and Possession of Prescription Drugs

The amendments to Minnesota Statutes section 151.37 will:

- clarify the prescribing authority of the commissioner for mass dispensing;
- give the commissioner authority to modify requirements for drug labeling or medical screening during emergencies; and
- bring up to date the list of drugs which may be purchased and stored by MDH for mass dispensing purposes.