



MEMO

TO: All Local Health Officers

FROM: Shereen Semple, Director, Office of Local Public Health

Date: March 26, 2021

Subject: Responsibilities of Local Health Agencies for Communicable Disease Investigations

The Office of Local Public Health (OLPH) recently received inquiries from local health departments seeking guidance on their roles and responsibilities surrounding communicable disease investigations. Specifically, the question was raised whether a local health department has the authority to conduct communicable disease investigations that involve a State-owned or State-affiliated building or facility. To ensure that all local health departments are aware of their communicable disease investigation responsibilities, OLPH is providing the following guidance.

Pursuant to N.J.S.A. 26:4-2, both the Department of Health and local health departments, within their respective jurisdictions (i.e., the geographical boundaries of the local health departments), have the authority and responsibility to take necessary measures to prevent the spread of communicable diseases among humans. Moreover, the Department has the authority under N.J.S.A. 26:4-4 to require a local health department to take action to restrict the spread of a communicable disease that is detected within its jurisdiction.

To further enhance public health, the Legislature charged the Department with establishing the State Sanitary Code (Code), which sets forth rules that are necessary to improve and preserve the State's public health. See N.J.S.A. 26:1A-7. As stated in N.J.S.A. 26:1A-7, the Code is to include regulations that govern the "detection, reporting, prevention and control of communicable and preventable diseases." In addition to the Department of Health, N.J.S.A. 26:1A-9 provides that the Code "shall be enforced by each local board of health." The Department may also call upon a local health department to perform certain acts to ensure the public health and may order a local health department to enforce public health laws and the Code if it is failing to discharge this duty. See N.J.S.A. 26:1A-20 and -23.

Consistent with the above statutes, the Department promulgated the Code, which sets forth the responsibilities of the local health departments regarding communicable disease investigations. Relevant here, N.J.A.C. 8:57-1.10 states that when a health officer receives a communicable disease or outbreak report, he or she shall conduct an investigation, with direction given by the Department, to determine if an outbreak of a disease exists, ascertain the source of the illness and implement control measures to limit the spread of the disease. The rule further provides that the Department may require more than one health officer to participate in the investigation, including the health officers that have jurisdiction over the location of suspected disease transmission and areas of residence or occupation of the person(s) ill or infected. These investigations would include all locations, regardless of whether the location is owned by or affiliated with the State.

Additionally, N.J.A.C. 8:57-1.6 requires that healthcare providers and administrators report ill or infected persons in state-owned institutions, such as state correctional facilities, directly to the Department. In practice, the Department is notified one of three ways: (1) laboratory test reports are transmitted electronically into the Communicable Disease Reporting and Surveillance System(CDRSS) by participating laboratories, (2) reports are provided by the facility to the Department by telephone or fax; or (3) reports are provided to the local health department, who reports them to the Department. Regardless of the mode of report, all positive laboratory test results are entered into CDRSS and are assigned to the local health department where the individual resides or where the facility is located for a public health investigation, consistent with the above statutes.

In sum, local health departments have a statutory and regulatory responsibility to conduct communicable disease investigations within their respective jurisdictions, including investigations that involve a State-owned or State-affiliated building or facility.