

EDWARD L. BAROCAS (026361992)
JEANNE LOCICERO (024052000)
IRIS BROMBERG (067272013)
AMERICAN CIVIL LIBERTIES UNION
OF NEW JERSEY FOUNDATION
89 Market Street, 7th Floor
Newark, New Jersey 07102
(973) 642-2086

Attorneys for Plaintiff

THE AMERICAN CIVIL LIBERTIES UNION : **SUPERIOR COURT OF NEW JERSEY**
OF NEW JERSEY, a non-profit : **LAW DIVISION: Mercer County**
advocacy organization located in :
Newark, New Jersey, : Docket No.:
 :
Plaintiff, : Civil Action
 :
v. :
 :
The NEW JERSEY DEPARTMENT OF : **VERIFIED COMPLAINT**
HEATH, a public agency formed :
under the laws of the State of New :
Jersey and GENEVIEVE RAGANELLI, in :
her professional capacity as :
custodian of records for the New :
Jersey, Department of Health, :
 :
Defendants.

PLAINTIFF AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY, by
way of Verified Complaint against the Defendants, says:

PRELIMINARY STATEMENT

1. This is a summary action under the Open Public Records Act,
N.J.S.A. 47.1A-1 to -13 ("OPRA"), that seeks to obtain
records that were unlawfully denied to Plaintiff by
Defendants.

PARTIES

2. Plaintiff, the American Civil Liberties Union of New Jersey ("ACLU-NJ"), is a non-profit organization that works to defend individual liberties throughout the State of New Jersey. Its primary place of business is located at 89 Market Street, Newark, New Jersey 07102.
3. Defendant, the New Jersey Department of Health ("DOH"), is a department of the State of New Jersey. Its primary place of business is located at 369 South Warren Street, Trenton, NJ 08608-2308. Defendant DOH "ma[kes], maintain[s] or ke[eps] on file" or "receive[s] in the course of . . . its official business" government records, and is thereby subject to OPRA. See N.J.S.A. 47:1A-1.1.
4. Defendant Genevieve Raganelli is the custodian of records for DOH and is being sued in her official capacity. Defendant Raganelli maintains an office at 369 South Warren Street, Trenton, NJ 08608-2308.

VENUE

5. Venue is properly laid in Mercer County because Defendant is a public agency located in Mercer County and the cause of action arose in Mercer County. R. 4:3-2(a).

BACKGROUND & FACTUAL ALLEGATIONS

6. On October 30, 2014, an attorney on behalf of Plaintiff ACLU-NJ sent an open public records request to Defendants. See Exhibit "A" hereto (Plaintiff's letter dated October 30, 2014); Exhibit "B" attached hereto (11/17/2015 Extension Email, confirming receipt of request).
7. Plaintiff's request was prompted by statewide concern regarding the lack of public information pertaining to government management of the Ebola virus disease (EVD). Plaintiff's request sought to learn information regarding the development and implementation of policies pertaining to the monitoring and management of EVD.¹
8. Pursuant to OPRA, Plaintiff requested correspondence, including email, between specifically-identified public employees, during a two month time period, regarding the development and implementation of policies related to the monitoring and management of EVD. It also requested correspondence, including email, between certain key DOH officials, during a two month time period, containing the keywords "Ebola," "EVD," "Quarantine," "Isolation," or "Screening." Plaintiff also requested correspondence

¹ On October 27, 2014, the ACLU-NJ submitted a different open records request to the DOH seeking policies pertaining to quarantine protocols for EVD. The denial of the October 27, 2014 request is not the subject of this action.

between county departments of health and DOH employees regarding the monitoring and management of EVD. See Exhibit A.

9. Specifically, Plaintiff's October 30, 2014, request stated:

This request seeks correspondence regarding government management of the Ebola virus disease (EVD). Please provide copies of the following records made, maintained, kept on file, or received by the New Jersey Department of Health (DOH) from September 1, 2014, to the present.

For the purposes requests [sic] 1 2, and 3 below, we are seeking records, that were made, sent or received on or after September 1, 2014, to or from Commissioner O'Dowd, Dr. Christina Tan, Dr. Arturo Brito, Christopher Rinn, Gary Ludwig, and/or DOH staff members assigned to the Ebola Virus Disease Joint Response Team (EVD-JRT).

1. Correspondence, including email, regarding the development of policies regarding the monitoring and management of EVD.
2. Correspondence, including email, regarding the implementation of policies regarding the monitoring and management of EVD.
3. Email containing one of more of the following keywords: "Ebola," "EVD," "Quarantine," "Isolation," "Screening."

Additionally, for request 4 below, we are seeking records sent from or received by any employee of DOH or the EVD-JRT since September 1, 2014, fitting the following parameters:

4. Correspondence, including email, sent to and/or from any county department of health regarding the implementation of policies regarding the monitoring and management of EVD.
10. On November 17, 2014, Defendant Raganelli emailed Plaintiff to confirm receipt of the request (identified by Defendants as Request C92009) on November 5, 2014, and to demand an

extension to an anticipated response date of December 2, 2014. See Exhibit B.

11. On December 22, 2014, Defendant Raganelli emailed Plaintiff to demand an additional extension to an anticipated response date of January 15, 2015. See Exhibit "C" hereto (12/22/14 Extension Email).
12. On December 22, 2014, an attorney for Plaintiff responded to Defendant Raganelli stating that she would consider it a denial of access if the requested records were not received by January 15, 2015. See Exhibit "D" hereto (Plaintiff's 12/22/14 Email).
13. On January 14, 2015, over two months after Plaintiff's records request, Defendant Raganelli denied Plaintiff's request, stating that the requests were "improper and overly broad, as they fail to identify specific government records, [and] would require the custodian to conduct research to respond..." See Exhibit "E" hereto (1/14/14 Denial Email). Additionally, the custodian stated that "to the extent they seek 'inter-agency or intra-agency advisory, consultative, or deliberative material' [such material] is excluded from the definition of 'government records.'" Id. The Custodian further claimed that the request would substantially disrupt agency operations. Id.

14. Defendant Raganelli failed to provide any justification for the extensions requested before the denial of Request C92009 as overbroad. See Exhibit B; Exhibit C; Exhibit E.
15. At no time did Defendant Raganelli contact Plaintiff to explain the nature of the alleged disruption of agency operations or otherwise attempt to accommodate or resolve the request.
16. Defendants failed to disclose to Plaintiff any records responsive to Request C92009. Defendants simply provided Plaintiff with a document entitled "New Jersey Mandatory Quarantine and Screening Protocols" that was dated October 31, 2014 and referred Plaintiff to the Department's website (which contained none of the correspondence Plaintiff requested).

FIRST COUNT

**Defendants' Denial of Access to
Public Records Violates OPRA**

17. Plaintiff incorporates the allegations in the preceding paragraphs as though fully set forth.
18. Pursuant to N.J.S.A. 47:1A-1, government records shall be "readily accessible" to the citizens of this state, and all government records are subject to public access unless exempt by law.

19. If the custodian is unable to comply with a request for access, the custodian shall indicate the lawful basis for the denial on the request form. If part of a record is exempt from access, the custodian shall redact that portion of the record and shall promptly permit access to the remainder of the record. N.J.S.A. 47:1A-5(g).
20. The public agency has the burden of proving that the law authorizes the denial of access. N.J.S.A. 47:1A-6; see also Newark Morning Ledger, Co. v. N.J. Sports & Expo. Auth., 423 N.J. Super. 140, 162 (App. Div. 2011) ("OPRA generally places the burden upon the custodian of a public record to state the specific basis for the denial of access. In so doing, the reasons for withholding documents must be specific. Courts will simply no longer accept conclusory and generalized allegations of exemptions . . . but will require a relatively detailed analysis in manageable segments.") (citations and internal quotation marks omitted).
21. Neither OPRA nor the relevant, controlling case law allows public agencies to deny access to records, or to portions of a public record, unless such withholdings or redactions are made pursuant to a recognized exemption to OPRA. N.J.S.A. 47:1A-1 to -13; see also Commc'ns Workers of Am. v. Rousseau, 417 N.J. Super. 341, 368 (App. Div. 2010).

22. Emails between an employee or agent of a public agency and any other individual are subject to OPRA because they are government records pursuant to N.J.S.A. 47:1A-1.1.
23. Here, the emails and other correspondence Plaintiff seeks are "public records" within the meaning of OPRA because they were "made, maintained or kept on file" by Defendants, or "received in the course of . . . its official business." N.J.S.A. 47:1A-1.1.
24. The exemptions cited by Defendants purportedly justifying denial are inapplicable, and they do not justify the blanket withholding of documents that are responsive to Plaintiff's request.
25. Accordingly, Defendants violated OPRA by:
 - a. Failing to disclose nonexempt government records or nonexempt portions of government records, in violation of N.J.S.A. 47:1A-5(g);
 - b. Failing to provide a lawful basis for denial of access to government records, in violation of N.J.S.A. 47:1A-5(g);
 - c. Failing to grant access to requested "government records[s] as soon as possible, but not later than seven business days after receiving the request," in violation of N.J.S.A. 47:1A-5(i);
 - d. Failing to attempt to reach a reasonable solution with the Plaintiff "that accommodates the interests of the

requestor and the agency" in violation of N.J.S.A. 47:1A-5(g); and

- e. Failing to provide an index of all responsive documents deemed by the government agency to be exempt whole or in part, with an accurate description of the records or portions of records deemed exempt, as required by Paff v. Dep't of Labor, 392 N.J. Super. 334 (App. Div. 2007).

SECOND COUNT

Defendants' Ongoing Extensions were Illegitimate and Violated OPRA

- 26. Plaintiff incorporates the allegations set forth in the preceding paragraphs as though fully set forth.
- 27. OPRA requires public agencies to "grant access to a government record or to deny a request for access to a government record as soon as possible, but no later than seven business days after receiving the request, provided that the record is currently available and not in storage or archive." N.J.S.A. 47:1A-5(i).
- 28. In violation of OPRA, Defendants requested multiple extensions without offering any explanation for the continued delays, and ultimately denied Plaintiff's request as overbroad on January 14, 2014 - over two months after Plaintiff's records request. See supra ¶ 9 - 16.

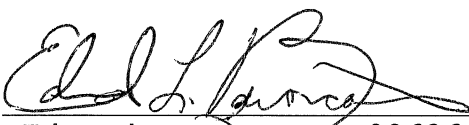
29. While extensions of time have been accepted, they cannot be used in order to merely delay a response (as opposed to provide a custodian with sufficient time to search for hard-to-obtain or voluminous records).
30. Given Defendants' outright denial of Plaintiff's request on the purported basis of being an invalid request, the extensive delays were not taken in order to provide Defendants' with an opportunity to search for responsive records.
31. Defendants' actions violate OPRA by failing to deny the request or to provide responsive documents within the time frame provided by the statute, despite the lack of any legitimate reason for delaying the production of government records, in violation of N.J.S.A. 47:1A-5(i).
32. Defendants' actions were knowing and willful.

WHEREFORE, Plaintiff demands judgment against the Defendants:

- (a) Declaring the Defendants in violation of the Open Public Records Act;
- (b) Compelling the Defendants to immediately provide copies of the requested records;
- (c) Maintaining jurisdiction over this action until Defendants come into compliance with the Court's directives and orders;

- (d) Imposing a fine pursuant to N.J.S.A. 47:1A-11;
- (e) Granting attorney's fees and cost of suit pursuant to N.J.S.A. 47:1A-6; and
- (f) Granting such other relief as this Court may deem just and proper.

AMERICAN CIVIL LIBERTIES
UNION OF NEW JERSEY FOUNDATION
P.O. Box 32159
Newark, New Jersey 07102
973-854-1717

By: 
Edward L. Barocas 026361992

Dated: February 27, 2015

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Edward L. Barocas, Esq. is hereby designated as trial counsel for Plaintiff American Civil Liberties Union of New Jersey in the above matter.

CERTIFICATION

Plaintiff, by its attorneys, hereby certifies pursuant to R. 4:5-1, New Jersey Court Rules, that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding nor is any such action or proceeding presently contemplated. Plaintiff, by its attorneys, further certifies that Plaintiff is not aware of any other parties who should be joined in this action.

AMERICAN CIVIL LIBERTIES
UNION OF NEW JERSEY FOUNDATION
P.O. Box 32159
Newark, New Jersey 07102
973-854-1717

By: 
Edward L. Barocas 026361992

Dated: February 27, 2015

VERIFICATION

I, Jeanne LoCicero, the attorney who sent the records request at issue on behalf of the American Civil Liberties Union of New Jersey, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.



Jeanne LoCicero

Dated: February 27, 2015

Exhibit A



P.O. Box 32159
Newark, NJ 07102

Tel: 973-642-2086
Fax: 973-642-6523

info@aclu-nj.org
www.aclu-nj.org

October 30, 2014

Department of Health
P. O. Box 360
Trenton, NJ 08625-0360

Re: OPRA Request

Dear Records Custodian:

This is a request for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law right of citizens of the state to obtain access to public documents. South Jersey Publishing Co. v. New Jersey Expressway Auth., 124 N.J. 478, 487-89 (1991).

This request seeks correspondence regarding government management of the Ebola virus disease (EVD). Please provide copies of the following records made, maintained, kept on file, or received by the New Jersey Department of Health (DOH) from September 1, 2014, to the present.

For the purposes requests 1, 2, and 3 below, we are seeking records, that were made, sent or received on or after September 1, 2014, to or from Commissioner O'Dowd, Dr. Christina Tan, Dr. Arturo Brito, Christopher Rinn, Gary Ludwig, and/or DOH staff members assigned to the Ebola Virus Disease Joint Response Team (EVD-JRT).

1. Correspondence, including email, regarding the development of policies regarding the monitoring and management of EVD.
2. Correspondence, including email, regarding the implementation of policies regarding the monitoring and management of EVD.
3. Email containing one or more of the following keywords: "Ebola," "EVD," "Quarantine," "Isolation," "Screening."

Additionally, for request 4 below, we are seeking records sent from or received by *any employee of DOH or the EVD-JRT* since September 1, 2014, fitting the following parameters:

4. Correspondence, including email, sent to and/or from any county department of health regarding the implementation of policies regarding the monitoring and management of EVD.

Although OPRA generally requires a custodian of records to grant or deny a request for access "as soon as possible, but not later than seven business days after receiving the request," see N.J.S.A. 47:1A-5(i), given the serious constitutional implications of the government's response to this public health matter, we ask that you provide each record as it becomes available.

If you determine that any portion of the requested materials are exempt from release, please redact only that which you believe is exempt and provide the remaining, non-exempt portions. See N.J.S.A. 47:1A-5(g). Also, please send us the required index detailing the specific exemptions that justify each redaction or withheld document. See Paff v. NJ. Dep 't of Labor, 392 N.J. Super. 334, 341 (App. Div. 2007).

I ask that you send these records to me as PDF files by e-mail, which ordinarily are free of charge pursuant to OPRA. See N.J.S.A. 47:1A-5(b). If the cost of copies for this request does not exceed \$25, proceed without further approval and send an invoice with the records. Otherwise, if you feel that unusual circumstances warrant an additional special charge for providing the particular items in my request, please advise me of the costs beforehand so that we can discuss arrangements.

Thank you for your attention to this matter and for your assistance. If you have any questions, please feel free to contact me at 973-854-1715 or jllocicero@aclu-nj.org.

Sincerely,



Jeanne LoCicero
Deputy Legal Director

Exhibit B

Jeanne LoCicero

From: dhsscustodian@doh.state.nj.us
Sent: Monday, November 17, 2014 5:00 PM
To: Jeanne LoCicero
Subject: Government Records Request C92009

Dear Ms LoCicero:

This will acknowledge receipt of your October 30, 2014 letter request for government records, which we received on November 5, 2014, and to which we have assigned the reference number above.

The Department requires additional time within which to respond to the referenced request. We anticipate responding by December 2, 2014.
Thank you.

Sincerely,

Genevieve Raganelli, Regulatory Officer
Custodian of Records for the Office of the Commissioner Office of Legal and Regulatory Compliance New Jersey
Department of Health
(609) 943-3385

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Exhibit C

Jeanne LoCicero

From: dhsscustodian@doh.state.nj.us
Sent: Monday, December 22, 2014 2:22 PM
To: Jeanne LoCicero
Subject: Fw: Government Records Request C92009

Dear Ms LoCicero:

The Department requires additional time within which to respond to the referenced request for government records. We anticipate responding by January 15, 2014. Thank you.

Genevieve Raganelli, Regulatory Officer
Custodian of Records for the Office of the Commissioner Office of Legal and Regulatory Compliance New Jersey
Department of Health
(609) 943-3385

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Dear Ms LoCicero:

The Department requires additional time within which to respond to the referenced request for government records. We anticipate responding by December 17, 2014. Thank you.

Genevieve Raganelli, Regulatory Officer
Custodian of Records for the Office of the Commissioner Office of Legal and Regulatory Compliance New Jersey
Department of Health
(609) 943-3385

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Dear Ms LoCicero:

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The Department requires additional time within which to respond to the referenced request. We anticipate responding by December 2, 2014.
Thank you.

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Department of Health
(609) 943-3385

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Exhibit D

Jeanne LoCicero

From: Jeanne LoCicero
Sent: Monday, December 22, 2014 4:32 PM
To: 'dhsscustodian@doh.state.nj.us'
Subject: RE: Government Records Request C92009

Dear Ms. Raganelli:

Because January 15 will be more than 10 weeks since the Department received my initial request, I will consider it a denial of access if I do not receive the requested records by that date.

Please call me if you would like to discuss my request. I can be reached at 973-854-1715.

Thank you,
Jeanne LoCicero

-----Original Message-----

From: dhsscustodian@doh.state.nj.us [mailto:dhsscustodian@doh.state.nj.us]
Sent: Monday, December 22, 2014 2:22 PM
To: Jeanne LoCicero
Subject: Fw: Government Records Request C92009

Dear Ms LoCicero:

The Department requires additional time within which to respond to the referenced request for government records. We anticipate responding by January 15, 2014. Thank you.

Genevieve Raganelli, Regulatory Officer
Custodian of Records for the Office of the Commissioner Office of Legal and Regulatory Compliance New Jersey
Department of Health
(609) 943-3385

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Dear Ms LoCicero:

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Dear Ms LoCicero:

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Thank you.

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Exhibit E

Jeanne LoCicero

From: dhsscustodian@doh.state.nj.us
Sent: Wednesday, January 14, 2015 1:09 PM
To: Jeanne LoCicero
Subject: Fw: Government Records Request C92009
Attachments: New Jersey Mandatory Quarantine and Screening Protocols.pdf

Dear Ms LoCicero:

This will respond to the referenced request for government records, which is as follows:

This request seeks correspondence regarding government management of the Ebola virus disease (EVD). Please provide copies of the following records made, maintained, kept on file, or received by the New Jersey Department of Health (DOH) from September 1, 2014, to the present.

For the purposes requests [sic] 1 2, and 3 below, we are seeking records, that were made, sent or received on or after September 1, 2014, to or from Commissioner O'Dowd, Dr. Christina Tan, Dr. Arturo Brito, Christopher Rinn, Gary Ludwig, and/or DOH staff members assigned to the Ebola Virus Disease Joint Response Team (EVD-JRT).

1. Correspondence, including email, regarding the development of policies regarding the monitoring and management of EVD.

2. Correspondence, including email, regarding the implementation of policies regarding the monitoring and management of EVD.

3. Email containing one of more of the following keywords: "Ebola," "EVD," "Quarantine," "Isolation," "Screening."

Additionally, for request 4 below, we are seeking records sent from or received by any employee of DOH or the EVD-JRT since September 1, 2014, fitting the following parameters:

4. Correspondence, including email, sent to and/or from any county department of health regarding the implementation of policies regarding the monitoring and management of EVD.

Items 1 through 4 of the referenced request are improper and overly broad, as they fail to identify specific government records, would require the custodian to conduct research to respond, and to the extent they seek "inter-agency or intra-agency advisory, consultative, or deliberative material" that is excluded from the definition of "government records."

Burke v. Brandes, 429 N.J. Super. 169 (App. Div. 2012); New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30 (App. Div. 2005); and N.J.S.A. 47:1A-1.1.

Moreover, efforts to respond would substantially disrupt agency operations.

However, without waiving these objections, and in an effort to respond and to accommodate you, the document entitled, "New Jersey Mandatory Quarantine and Screening Protocols," attached below, addresses Ebola response.

(See attached file: New Jersey Mandatory Quarantine and Screening Protocols.pdf)

In addition, the Department is continuously updating the website at <http://nj.gov/health/cd/vhf/index.shtml> to provide access to public materials on the topics of Ebola and communicable disease outbreak and response generally, issued by the Department and other entities, such as the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, as they become available. Therefore, we recommend you check back to this site frequently. Among items posted under the "technical info" tab on this website are materials under the headings, "Resources for Clinicians and Laboratories" and "Resources for Infection Prevention" that may be of interest. Should you be unable to access this online resource, please advise and we will assist you in obtaining access.

Absent a narrowing of the referenced request, the request is hereby closed. This response does not waive or limit any other rights afforded this Department under applicable law, all of which are expressly reserved.

Sincerely,

Genevieve Raganelli, Regulatory Officer
Custodian of Records for the Office of the Commissioner Office of Legal and Regulatory Compliance New Jersey
Department of Health
(609) 943-3385

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|dhsscustodian/NJDHSS

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jllocicero@aclu-nj.org
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Government Records Request C92009
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Dear Ms LoCicero:

This will acknowledge receipt of your October 30, 2014 letter request for government records, which we received on November 5, 2014, and to which we have assigned the reference number above.

The Department requires additional time within which to respond to the referenced request. We anticipate responding by December 2, 2014.
Thank you.

Sincerely,

Genevieve Raganelli, Regulatory Officer
Custodian of Records for the Office of the Commissioner Office of Legal and Regulatory Compliance New Jersey
Department of Health
(609) 943-3385

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STATE OF NEW JERSEY

DEPARTMENT OF HEALTH

The mission of the Department of Health is to improve health through leadership and innovation.



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Trenton, NJ 08625-0360Mary E. O'Dowd, M.P.H.
CommissionerFor Release:
10/31/2014For Further Information Contact:
Office of Communications
(609) 984-7160

New Jersey Mandatory Quarantine and Screening Protocols

TO:

Col. Rick Fuentes, Superintendent, State Police
David Hespe, Commissioner, Department of Education
John Jay Hoffman, Acting Attorney General
Chris Rodriguez, Director, Office of Homeland Security and Preparedness
Jennifer Velez, Commissioner, Department of Human Services

FROM:

Mary E. O'Dowd, MPH, Commissioner, Department of Health
Chair, Ebola Virus Disease Joint Response Team (EVD-JRT)

SUBJECT: New Jersey Mandatory Quarantine and Screening Protocols

On October 22, 2014, pursuant to Executive Order No.164 (2014), Governor Chris Christie created an Ebola Virus Disease Joint Response Team (EVD-JRT) to coordinate the efforts needed to appropriately prepare for and respond to the Ebola Virus Disease public health hazard. The New Jersey Department of Health (NJDOH) and its state, local, and federal health care and public health partners are taking a comprehensive approach in responding to Ebola through coordinated steps to prevent potential exposure, ensure the health care system's preparedness, and provide community education.

This memo is intended to provide guidance to our partners by formally documenting the quarantining and screening protocols previously implemented in New Jersey pursuant to statutory authority to "maintain and enforce proper and sufficient quarantine, wherever deemed necessary."

I. Christie Administration Staffing at Newark Liberty International Airport

As Governor Christie indicated on Wednesday, October 22, 2014 in a public briefing on Ebola preparedness, the following New Jersey State officials have been and will continue to be deployed at Newark Liberty International Airport.

These officials are there to supplement Centers for Disease Control and Prevention (CDC) and Customs and Border Protection (CBP) staffing in order to provide real-time information and decision-making.

- New Jersey Department of Health (NJDOH) epidemiologists and physicians remain in regular communication with the CDC officials at the airport and responding hospitals to collaborate on management of passenger evaluation and follow up protocols.
- Office of Homeland Security and Preparedness (OHSP) will continue to lead coordination efforts with Newark Liberty International Airport for passengers identified for enhanced screening.
- The Office of the Attorney General (OAG) is providing legal staff at Newark Liberty International Airport and counsel to OHSP and the NJDOH regarding coordination with our federal partners on all necessary actions, including quarantining.

II. Protocols For Passengers Traveling From Ebola Affected Country Exhibiting Symptoms During Flight

If a passenger exhibits symptoms during a connecting flight to Newark Liberty International Airport, originating from one of the three West African nations that have been identified with widespread transmission of Ebola (Guinea, Liberia, and Sierra Leone), CDC notifies NJDOH. Following this notification:

- Immediate transport to a designated Tier 2 hospital for medical evaluation and treatment accompanied by pre-designated Emergency Medical Services personnel. Emergency Medical Services personnel will wear appropriate personal protective equipment (PPE).

- The symptomatic individual is placed in isolation at a designated Tier 2 hospital and infection prevention measures are implemented.
- The individual is subject to NJDOH mandatory quarantine order based on risk assessment.
- Ebola testing is conducted as necessary after consultation with NJDOH and CDC, based on clinical symptoms and possible exposure.
- If an alternate diagnosis is identified (such as malaria), the individual remains in isolation as clinically appropriate. Depending upon evaluation of the risk factors the individual may still be subject to a mandatory quarantine order.

III. Protocols For Passengers Traveling From Ebola Affected Country Exhibiting Fever During Non-Contact Fever Check.

If a passenger arrives in Newark Liberty International Airport from a flight originating from one of the three West African nations that have been identified with widespread transmission of Ebola (Guinea, Liberia, and Sierra Leone), a non-contact fever check is conducted by the U.S Coast Guard. If the passenger exhibits a temperature, CDC notifies NJDOH. Following this notification:

- Immediate transport to a designated Tier 2 hospital for medical evaluation and treatment accompanied by pre-designated Emergency Medical Services personnel. Emergency Medical Services personnel will wear appropriate personal protective equipment (PPE).
- The symptomatic individual is placed in isolation at a designated Tier 2 hospital and infection prevention measures are implemented.
- The individual is subject to NJDOH mandatory quarantine order based on risk assessment.
- Ebola testing is considered in consultation with NJDOH and CDC, based on clinical symptoms and possible exposure to the Ebola Virus.
- If an alternate diagnosis is identified (such as malaria), the individual remains in isolation as clinically appropriate. Depending upon evaluation of the risk factors, detailed below, the individual may still be subject to a mandatory quarantine order.

IV. Protocols For Passenger Traveling From Ebola Affected Country Exhibiting No Fever During Non-Contact Fever Check

If a passenger arrives in Newark Liberty International Airport from a flight originating from one of the three West African nations that have been identified with widespread transmission of Ebola (Guinea, Liberia, and Sierra Leone), they are evaluated for symptoms and a non-contact fever check is conducted.

All passengers who exhibit no fever at the non-contact fever check must still complete a traveler declaration form providing all pertinent contact information, an Ebola Virus Risk questionnaire and an interview. The passenger's risk is then determined by evaluating travel history and potential exposure. This assessment includes a determination of credibility or lack of credibility based on the consistency, responsiveness, and accuracy of the documentation and interview questions as factors in the evaluation of risk.

A. Low Risk:

If the individual traveled to one of the three affected West African nations, but had no known exposure to anyone with the Ebola Virus, the individual is considered Low Risk and the following actions will be taken:

- If the individual is a New Jersey resident, Division of Global Migration and Quarantine (DGMQ) send the individual's contact information to NJDOH.
 - CDC provides the individual with an Ebola Care Kit and a 24/7 phone number for NJDOH.
 - NJDOH contacts the individual's local health department for active monitoring for 21 days from the date of their departure from the affected country.
 - Local health department provides the individual contact information for area hospitals and Emergency Medical Services.
- If the individual is a non-New Jersey resident, they are released and NJDOH sends the individual's contact information to the Department of Health in their home state.

If the passenger is determined to have had some risk following the questionnaire and oral interview, the passenger completes a more detailed exposure and risk assessment. Following the more detailed exposure and risk assessment, the passenger is moved into one of two other risk categories:

B. Some Risk:

If the individual traveled to one of the three affected West African nations, and for example, was a health care worker who treated an Ebola patient with active symptoms while wearing PPE, the individual is considered to have Some Risk and the following actions will be taken in such a case:

- Individual is subject to NJDOH mandatory quarantine order.
- No commercial conveyance or movement by the individual is permitted.
- NJDOH will contact the individual's local health department for active monitoring for 21 days from the date of their last exposure.
- The local health department will provide the individual contact information for area hospitals and Emergency Medical Services.

C. High Risk:

If the individual traveled to one of the three affected West African nations and had direct contact with the body fluids of an individual with the Ebola Virus, he/she is considered to have High Risk and the following actions will be

taken:

- Individual is subject to NJDOH mandatory quarantine order.
- No commercial conveyance or movement by the individual is permitted.
- NJDOH will contact the individual's local health department for active monitoring for 21 days from the date of their last exposure.
- The local health department will provide the individual contact information for area hospitals and Emergency Medical Services.

All other scenarios will be addressed on a case-by-case basis for possible mandatory quarantine, with the following additional measures as appropriate:

- CDC provides an Ebola Care Kit with 24/7 phone number for NJDOH.
- NJDOH sends information to local health department.
- NJDOH limits or prohibits commercial conveyance or movement of the individual.
- Local health departments will contact the individual for direct active monitoring for symptoms for 21 days and provide contact information for area hospitals and Emergency Medical Services.
- Controlled movement and conditional release based upon person's compliance and adherence to local health department's instructions.

V. Housing and Transportation For Residents and Non-Residents Subject to a Mandatory Quarantine Order

As the EVD-JRT announced on Wednesday, October 22, 2014, New Jersey will make every reasonable effort to ensure New Jersey residents subject to a mandatory quarantine order are able to do so in their home. This policy was first explained by EVD-JRT member DHS Commissioner Jennifer Velez on October 22nd: "Travelers who are New Jersey residents will quarantine in their own homes."

Governor Christie reiterated this on Friday, October 24th at a joint briefing with New York Governor Andrew Cuomo: "We will make those judgments and the Department of Health will make those judgments where need be, what the most appropriate location for that is, if the person is not a resident of our state already. Obviously if they're already a resident of New Jersey then they can quarantine in their own homes under a quarantine order."

- Residents will be transported from Newark Liberty International Airport to home quarantine location with a NJ State Police escort.
 - Arrangements include provisions for day-to-day necessities and comfort, as necessary.
 - As permitted by law, the State will provide assistance to quarantined individuals if they are being denied compensation for lost time at work.
- NJDHS is working to designate and support suitable housing locations in New Jersey for the quarantine of asymptomatic individuals should the need arise, such as in the event a non-resident cannot safely be transported to their home state. DHS is working with State and local health officials, as appropriate.
- Travelers or their families can call 877.294.HELP (877-294-4357) for phone support, and DHS will make available crisis counselors, as needed.

As members of the EVD-JRT, I understand you will be implementing these protocols through your own efforts and internal guidelines. As previously stipulated at our briefing on Wednesday, October 22nd, OHSP will be taking the lead on coordinating these efforts.

CC:

Robert C. Garrett, President & CEO
Hackensack University Medical Center

James R. Gonzalez, President & CEO
University Hospital

Stephen K. Jones, FACHE, President & CEO
Robert Wood Johnson University Hospital

Elizabeth Ryan, President & CEO
NJ Hospital Association

John Degnan, Chairman
Port Authority of New York and New Jersey