



# Legal and Ethical Considerations

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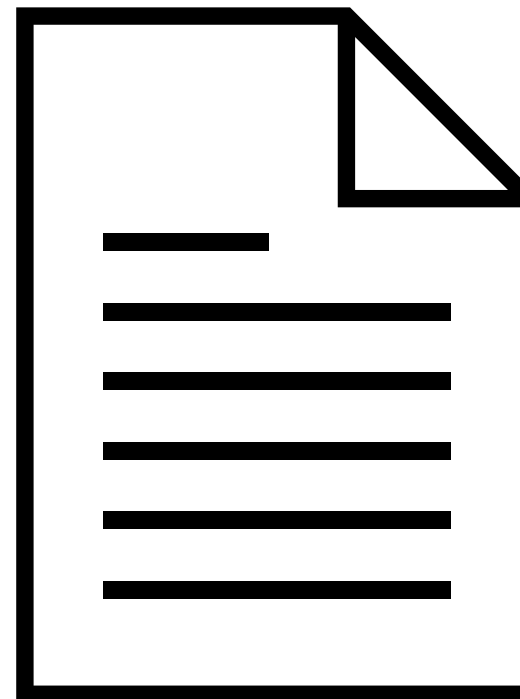
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### Available Credit

- 14.00 ANCC
- 14.00 Attendance
- 14.00 IPCE

No relevant financial  
disclosures



# Learning Objectives

- Examine the legal framework governing TB control, including public health laws related to reporting, isolation, and treatment in Kansas.
- Identify ethical principles relevant to TB program management, such as confidentiality, informed consent, and equity
- Recognize the balance between individual rights and public health responsibilities in TB prevention and control

## What is public health law?

- We define "public health laws" in practical terms as any laws that have significant consequences for the health of defined populations.

## How is public health authority in Kansas determined?

- “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” (10<sup>th</sup> Amendment to the Constitution)
- Kansas Constitution delegates the legislative power of the state into the Kansas house of representatives and senate.
- Kansas Legislature established the Kansas Department of Health Environment and the authority of public health officers.

## Who has public health authority in Kansas?

- Governor
- Secretary of KDHE
- County Commissions/Joint Boards of Health
- Local Health Officers
- Municipalities

## Department of Health and Environment

- State Agency created by Statute (K.S.A. 75-5601) in 1974
- K.S.A. 75-5601 also created role of the Secretary of Health and Environment
- Divisions
  - Division of Environment
  - Division of Public Health
  - Division of Health Care Finance

## Authority of the Secretary of KDHE

- Found in Chapter 65 of the Kansas Statutes
  - General Authority - K.S.A. 65-101. Health supervision; investigation of causes of disease, sickness and death; sanitation inspections; prevention of spread of disease; outreach services; rules and regulations; injunction; revocation by legislature or legislative coordinating council of certain orders of secretary of health and environment.
  - Specific Authority – Enumerated by statutes. Relevant authority includes the authority to test for diseases, protect health service providers and their recipients, designate a disease as infectious or contagious, and isolate and quarantine people with or exposed to contagious diseases.

## Local Health Officers

- Appointed by County Commissioners pursuant to K.S.A. 65-201.
- Duties and responsibilities of the local health officer is outlined in various statutes, including:
  - Keeping accurate records of all transactions. (K.S.A. 65-202)
  - Making sanitary inspections of each school building and grounds. (K.S.A. 65-202)
  - Investigating cases of infectious, contagious or communicable diseases. (K.S.A. 65-202)

## Local Health Officer Authority

- K.S.A. 65-119 – Duties and Powers of Local Health Officer
  - Exercise and maintain supervision over case(s) of infectious and contagious diseases.
  - Communicate to Secretary of KDHE.
- K.S.A. 65-202 – Duties of Local Health Officer
  - Investigate each case of smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and such other acute infectious, contagious or communicable diseases.
  - Use all known measures to prevent the spread of infectious, contagious or communicable diseases.
- K.S.A. 65-129b – Authority of Local Health Officer
  - Isolation and quarantine orders.
  - Evaluation and treatment orders.

## Local Health Officer - Measures

- Isolation and Quarantine Orders (K.S.A. 65-129b and K.S.A. 65-129c)
  - Must be “medically necessary and reasonable”.
  - For individuals or groups of individuals
- Other orders may be issued by the Local Health Officer provided they are for the purpose of preventing the spread of infectious, contagious or communicable diseases,
  - Includes limits on large gatherings, business restrictions, and more.
  - Subject to restrictions of K.S.A. 65-201(b)

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## Reportable Disease Requirements

- Found in Agency 28 of the Kansas Administrative Regulations
  - **K.A.R. 28-1-2(a)(16)** – Requires reporting of suspected tuberculosis cases within four hours of knowledge of the case.
  - **K.A.R. 28-1-2(c)(55)** – Requires reporting of tuberculosis infection (reporting all suspected cases based on positive tuberculin skin test or laboratory evidence) within twenty-four hours.

### REPORTABLE DISEASES IN KANSAS

(K.S.A. 65-118, 65-128, 65-6001 - 65-6007, K.A.R. 28-1-2, 28-1-4, and 28-1-18. Changes effective as of 5/11/2018)

**For 4-hour reportable diseases** report to the KDHE Epidemiology Hotline: 877-427-7317. For **all other reportable diseases** fax a Kansas Reportable Disease Form and any lab results to your local health department or to KDHE: 877-427-7318 within 24 hours or by the next business day.

Acute flaccid myelitis	<i>Influenza, novel A virus infection</i> ☞
<i>Anthrax</i> ☞	Legionellosis
Anaplasmosis	Listeriosis ⤴
Arboviral disease, neuroinvasive and nonneuroinvasive (including chikungunya virus, dengue virus, La Crosse, West Nile virus, and Zika virus)	Lyme disease
Babesiosis	Malaria
Blood lead levels (any results)	<i>Measles (rubeola)</i> ☞
<i>Botulism</i> ☞	<i>Meningococcal disease</i> ⤴ ☞
Brucellosis	<i>Mumps</i> ☞
Campylobacteriosis	Pertussis (whooping cough)
<i>Candida auris</i> ⤴	<i>Plague (Yersinia pestis)</i> ☞
Carbapenem-resistant bacterial infection or colonization ⤴	<i>Poliovirus</i> ☞
Carbon monoxide poisoning	Psittacosis
Chancroid	Q Fever ( <i>Coxiella burnetii</i> , acute and chronic)
Chickenpox (varicella)	<i>Rabies, human</i> ☞
<i>Chlamydia trachomatis</i> infection	Rabies, animal
<i>Cholera</i> ☞	<i>Rubella</i> ☞
Coccidioidomycosis	Salmonellosis, including typhoid fever ⤴
Cryptosporidiosis	<i>Severe Acute Respiratory Syndrome-associated coronavirus (SARS-CoV)</i> ⤴ ☞
Cyclosporiasis	Shiga toxin-producing <i>Escherichia coli</i> (STEC) ⤴
<i>Diphtheria</i> ☞	Shigellosis ⤴
Ehrlichiosis	<i>Smallpox</i> ☞
Giardiasis	Spotted fever rickettsiosis
Gonorrhea (include antibiotic susceptibility results, if performed)	<i>Streptococcus pneumoniae</i> , invasive disease ⤴
<i>Haemophilus influenzae</i> , invasive disease ⤴	Syphilis, all stages, including congenital syphilis
Hansen's disease (leprosy)	<i>Tetanus</i> ☞
Hantavirus	Toxic shock syndrome, streptococcal and other
Hemolytic uremic syndrome, post-diarrheal	Transmissible spongiform encephalopathy (TSE) or prion disease
Hepatitis, viral (A, B, C, D, and E, acute and chronic)	Trichinellosis or trichinosis
Hepatitis B during pregnancy	<i>Tuberculosis, active disease</i> ⤴ ☞
Hepatitis B in children <5 years of age (report all positive, negative, and inconclusive lab results)	Tuberculosis, latent infection
Histoplasmosis	Tularemia, including laboratory exposures
Human Immunodeficiency Virus (HIV) (Report the CD4+ T-lymphocyte cell counts, report viral load of any value, and report each pregnancy of women diagnosed with HIV)	<i>Vaccinia, post vaccination infection or secondary transmission</i>
Influenza deaths in children <18 years of age	Vancomycin-intermediate and resistant <i>Staphylococcus aureus</i> (VISA and VRSA)
Leptospirosis	Vibriosis (all <i>cholerae</i> and non- <i>cholerae</i> <i>Vibrio</i> species) ⤴
	<i>Viral hemorrhagic fevers</i> ☞
	Yellow fever

☞ - Outbreaks, unusual occurrence of any disease, exotic or newly recognized diseases, suspect acts of terrorism, and unexplained deaths due to an unidentified infectious agent should be reported within 4 hours by telephone to the Epidemiology Hotline: 877-427-7317

☞ - Indicates that a telephone report is required by law within four hours of *suspect or confirmed* cases to KDHE toll-free at 877-427-7317

⤴ - Indicates that bacterial isolate, original clinical specimen, or nucleic acid must be sent to: Division of Health and Environmental Laboratories, 6810 SW Dwight St, Topeka, KS 66620-0001 Phone: (785) 296-1620

# Isolation of TB Patients

- Acknowledgement of need to isolate
- Official isolation orders needed
- Release from isolation

# Isolation Orders

**THIS ISOLATION ORDER, ISSUED PURSUANT TO K.S.A. 65-129b, IS EFFECTIVE IMMEDIATELY UPON NOTIFICATION TO THE PERSON IDENTIFIED BELOW ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026, AND WILL REMAIN IN EFFECT UNTIL THIS ORDER IS VACATED BY THE SECRETARY OF THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT OR BY ORDER OF THE COURT.**

There is reason to believe that the person listed below has active Tuberculosis. The basis for that belief is explained in the attached Statement Justifying Basis of Isolation Order (page 2). Tuberculosis in an active state presents a serious health threat to you or others.

The below mentioned person will need to remain isolated at the following address \_\_\_\_\_ away from the general population to prevent any possible direct or indirect conveyance of Tuberculosis to others.

**Person to be Isolated:**

**The Secretary of the Kansas Department of Health and Environment orders that the person listed above remain in isolation at the following address \_\_\_\_\_ in a manner that separates them from the rest of the general population and any persons living at the address. Other persons issued Isolation Orders due to Tuberculosis residing at the same address may be isolated together. All persons isolated under an Isolation Order shall remain in isolation until a determination has been made that they will not directly or indirectly convey this disease to others, or until the Order is vacated by the Secretary of the Kansas Department of Health and Environment or by order of the court.**

You may object to this **Isolation Order** by requesting a hearing in the district court in accordance with K.S.A. 65-129c and 60-1501 *et seq.* **You are still required to comply with the Isolation Order until and unless the court rules otherwise.** If you are not able to obtain legal counsel, counsel may be appointed to represent you. The court will set a hearing date within seventy-two (72) hours of the filing of the request with the district court, unless the Secretary of the Kansas Department of Health and Environment shows extraordinary circumstances requiring an extension

# Isolation Orders

## STATEMENT JUSTIFYING BASIS OF ISOLATION ORDER

The individual named on page 2 has been diagnosed with tuberculosis and deemed infectious by a health care provider. This diagnosis was made because the individual named on page 1 has a positive tuberculosis test result and at least one of the following: an abnormal chest x-ray, symptoms of active disease, a positive sputum smear, or a positive Nucleic Acid Amplification Test (NAAT) for tuberculosis.

Tuberculosis is the leading infectious killer worldwide. Tuberculosis is a disease spread from person to person through the air. Tuberculosis typically affects the lungs. However, it can affect other parts of the body, such as the brain and spine. Common symptoms of tuberculosis are cough, chest pain, fever, chills, night sweats, fatigue, and weight loss.

The typical treatment for tuberculosis is a 4-drug regimen inclusive of rifampin, isoniazid, pyrazinamide, and ethambutol. The length of treatment varies but is typically 4 to 9 months. All tuberculosis patients receive medication through means of directly observed therapy (DOT). If untreated, a patient with Tuberculosis can die.

Patients with tuberculosis are considered infectious until deemed non-infectious by the treating medical provider in coordination with public health officials. Patients with infectious tuberculosis can be released from isolation when all of the following criteria are met:

- Patient has received appropriate anti-tuberculosis medication and is compliant with DOTs.
- Patient has three (3) consecutive negative AFB sputum smears, after uninterrupted DOTs.
- Patient is clinically improving.
- Patient has a plan for adherence to follow-up care.

# Appeal Rights

- Appeal rights outlined in K.S.A. 65-129c and K.S.A. 60-1502.
- Hearing must occur within 72 hours of the appeal.
- Court can grant the request for release or authorize the Order.

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
CIVIL DEPARTMENT

In the Matter of the Application of:

Case No. \_\_\_\_\_

Division: \_\_\_\_\_

K.S.A. Chapter 60

\_\_\_\_\_ for a Writ of Habeas Corpus

**PETITION FOR WRIT OF HABEAS CORPUS**

(The use of this Petition for Writ of Habeas Corpus form is not required.

You may submit a written request on your own paper as long as it contains all of the information requested in this form.)

**INSTRUCTIONS:** If you have been issued an order by the Local Health Officer or the Kansas Department of Health and Environment (KDHE) directing you to either (1) go to and remain in isolation or quarantine or (2) seek appropriate and necessary evaluation and treatment, you have the right to request a hearing in district court. If the order has been issued to your minor child, you may request a hearing on your child's behalf. Each individual subject to the order who is requesting a hearing must file a separate request for hearing. Please complete each of the following blanks, sign and date the form, and deliver it to the office of the Clerk of the District Court. Please note that you must comply with the order even if you request a hearing. The order is in effect until the Court makes a ruling or until the expiration date of the order, whichever occurs first.

Name of person subject to the order issued by the Local Health Officer or KDHE who is requesting a hearing (or name of minor child if you are filing this request for hearing on your child's behalf):

\_\_\_\_\_

Type of order issued to you or your minor child:

\_\_\_\_\_ Order to go to and remain in isolation or quarantine.

\_\_\_\_\_ Order to seek appropriate and necessary evaluation and treatment.

Address at which you are, or your minor child is, being restrained:

\_\_\_\_\_

\_\_\_\_\_

Name of person or agency who is restraining you (telling you to remain in isolation or quarantine or to seek evaluation and treatment) or your minor child:

\_\_\_\_\_

# Release from Isolation

## Attachment

### STATEMENT JUSTIFYING BASIS OF RELEASE FROM ISOLATION ORDER

Patients with tuberculosis are considered infectious until deemed non-infectious by the treating medical provider in coordination with public health officials. Patients with infectious tuberculosis can be released from isolation when all of the following criteria are met:

- Patient has received appropriate anti-tuberculosis medication for two (2) weeks and is compliant with DOTs.
- Patient has three (3) consecutive negative AFB sputum smears, after uninterrupted DOTs.
- Patient is clinically improving.
- Patient has a plan for adherence to follow-up care.

As of the date of this Order, the person on page 1 has met the criteria listed above and has been deemed non-infectious by a health care provider and medically cleared to be release from isolation.

# Additional TB Laws

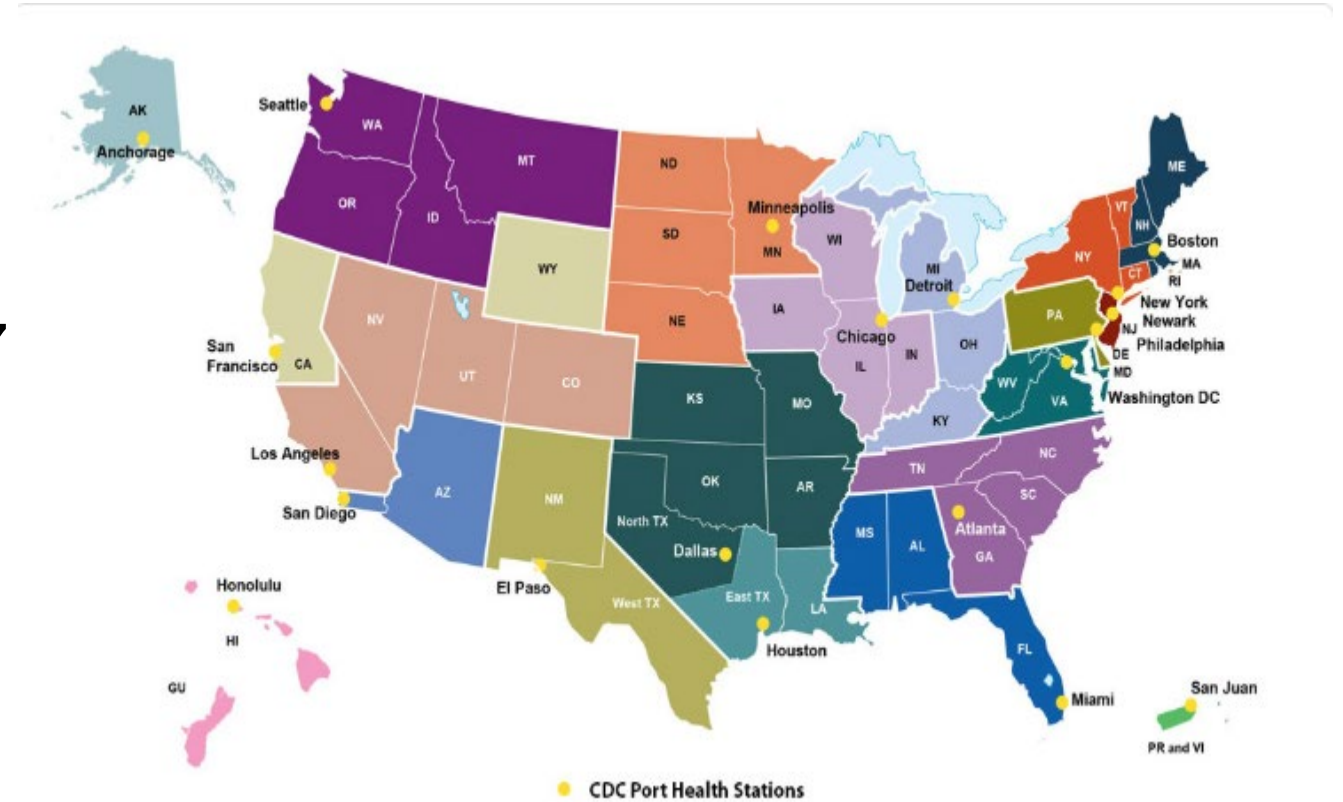
- K.S.A. 65-116b – Grants a health officer the authority to order a medical exam for individuals the health officer reasonably believes has TB and who will not voluntarily seek a medical exam.
- K.S.A. 65-116d & K.S.A. 65-116e – Commit an individual to a medical care facility for treatment.
- K.S.A. 65-116j – Grants the Secretary the power to select medical care facilities for individuals committed and patients seeking treatment at a medical care facility voluntarily
- K.S.A. 65-129e – Grants the Secretary the power to adopt rules and regulations establishing TB evaluation for any student considered high risk who is entering classrooms of a public or private university, municipal university, community college, or technical college. The

- Further Non-Adherence
- Anticipated Commercial Travel
- Travel Restrictions

- Two federal public health tools are available to manage travelers who are known or suspected to have a serious contagious disease: the Do Not Board list and the Public Health Lookout.
- The Do Not Board list prevents travelers with risk of spreading a contagious disease from boarding an airplane.
- The Public Health Lookout prompts Customs and Border Protection (CBP) to notify public health authorities about the traveler so they can assess the need for follow-up or treatment.

<https://www.cdc.gov/port-health/travel-restrictions/index.html>

- 20 Port Health Stations
- All Port Stations operate 24/7
- Kansas notifies Dallas Port Authority



<https://www.cdc.gov/port-health/stations/index.html>

# Do Not Board (DNB) and Public Health Lookout (LO) Steps

- Identify
- Report
- Federal Review
- Implementation
- Release

## Placing people on federal public health travel restrictions

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These tools can be used for anyone known or suspected to have a contagious disease that poses a threat to the public's health if they meet certain criteria as listed below.

Local and state public health officials and officials of other federal agencies (such as the Department of State) or foreign governments can request CDC's assistance if a person known or suspected to have a contagious disease that poses a public health threat intends to travel. CDC helps ensure these people do not travel while at risk of spreading disease.

The **criteria** for adding people to the **Do Not Board** and **Public Health Lookout** are:

1. Person is known or believed to be infectious with, or at risk for developing, a serious contagious disease that poses a public health threat to others during travel; **and** any **one** of the following three:
  - a. Person is **not** aware of diagnosis or **not** following public health recommendations, **or**
  - b. Person is likely to travel on a commercial flight involving the United States or travel internationally by any means; **or**
  - c. Travel restriction is needed to respond to an outbreak of a serious contagious disease or to help enforce a [public health order](#).

A person must meet the first criterion plus one of the three sub-criteria before these tools can be used.

## Patient Possible Concerns

- Confidentiality
- Informed Consent
- Equity and Social Determinants of Health

## Anticipating Needs

- Being Empathetic and Ensuring
- Obtaining Release of Information
- Food pantry, FMLA, gift cards, insurance

## Legal Framework

- Legal Authority
- Orders & Appeals

## Ethical Principles

- Confidentiality
- Isolation
- Escalation
- Equity

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# Legal and Ethical Considerations

## Thank You/Questions

