



State of Colorado
Department of Public Health and Environment
(CDPHE)
All-Hazards Internal Emergency Response Plan
Part 1: Base Plan

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Chapter 10

Management and Organization..... 10-1
 Management of the Event 10-1
 Continuity of Government 10-2
 General 10-2
 Maintenance 10-3
 General 10-3

Preface

In 2003, the president of the United States directed the development of a new National Response Plan (NRP) to align federal coordination structures, capabilities, and resources into a unified, all-discipline, and all-hazards approach to domestic incident management through Homeland Security Presidential Directive (HSPD)-5. This approach connects a broad spectrum of incident management activities that include the prevention of, preparedness for, response to, and recovery from large-scale natural disasters, acts of terrorism and other major emergencies. It is built on the template of the National Incident Management System (NIMS), which provides a framework for incident management at all jurisdictional levels, regardless of the cause, size, or complexity of the incident. The State of Colorado has adopted this framework and the Colorado Department of Public Health and Environment's (CDPHE) Internal Emergency Response Plan is revised and reformatted to comply. The Emergency Support Function (ESF) 8: Public Health and Medical Annex to the State Emergency Operation Plan (SEOP) also is modified in accordance with the NRP format.

The CDPHE All-Hazards Internal Emergency Response Plan is intended to guide personnel in the prevention of, preparedness for, response to and recovery from disaster or emergency events through two primary documents: Part I - the Basic Plan and Part II - the Operational Plan. Part I – The Basic Plan includes the scope, planning assumptions, roles and responsibilities, concepts of operations and ongoing plan review procedures. Part II – The Operational Plan outlines each specific program's responsibilities during events. Support Annexes provide guidance for effective implementation of the plan by outlining functional processes and essential administrative requirements for the department's role in the response to specific disasters and emergency events that may impact Colorado.

Implementation of the department's Internal Emergency Response Plan requires extensive communication, collaboration, coordination, and cooperation between CDPHE divisions, state and local agencies, and businesses. Collaboration and coordination with federal agencies will be employed when necessary. The size and scope of the disaster or emergency will determine the level of support required from federal, state, and local partners.

Any program within the department may receive the initial call from a local entity informing the department of a local disaster or emergency event. A program receiving such a call will contact the department's Emergency Preparedness and Response Division (EPRD) at 303-692-3022 and inform the division representative of the potential or unfolding event.

Letter of Agreement

The Colorado Department of Public Health and Environment's Internal Emergency Response Plan is intended to provide a single, comprehensive framework to manage disasters and emergencies within the state of Colorado that threaten the environment or the public health. The plan provides the structure for coordinating response activities among CDPHE's divisions or programs and assigns tasks and responsibilities to department personnel. The Internal Emergency Response Plan specifies division or program responsibilities and roles during a disaster or emergency that threatens the public health.

All department employees are to become familiar with this plan to ensure effective and efficient implementation of their division's and program's responsibilities. Divisions and programs must develop and maintain written emergency plan implementation instructions and standard operating guidelines (SOGs) in support of this plan. By being prepared, the department can better serve the citizens of Colorado.

This strategic document is continually evaluated, updated, and refined to meet the department's changing needs. While many department employees have contributed to this plan, the department's Emergency Preparedness and Response Division will coordinate the plan updates.

All division directors within the department agree to ensure effective and efficient incident management by designating lead and back-up responders to perform their assigned responsibilities during events. Any program receiving a report of a potential or unfolding disaster or emergency event in a community within Colorado or otherwise impacting Colorado should contact the department's Emergency Preparedness and Response Division (EPRD) at 303-692-3022. Division staff will monitor the situation for the department and coordinate internal updates to assist the programs involved in responding to the disaster or emergency event. When necessary, Emergency Preparedness and Response staff will activate the Department Operations Center (DOC) to manage the event and to coordinate internal departmental updates and response activities. All division directors agree to use the National Incident Management System (NIMS) to direct and coordinate their programs response activities from the DOC.

Letter of Instruction

The Colorado Department of Public Health and Environment's Internal Emergency Response Plan is guidance for the department's response activities during emergency events that require deviation from daily practices or routine activities. All programs are expected to cooperate and collaborate, following the NIMS framework to manage events that would adversely affect the public health.

As assigned under the Emergency Support Function (ESF) 8 annex to the State Emergency Operations Plan, each program is expected to provide resources and perform duties consistent with the department's authority and responsibilities. This also applies when the department is supporting response activities for other ESFs. Support may include providing personnel and other resources when the response requires more resources than one program has available.

When to Activate the Plan

This plan is activated in emergency situations requiring environmental and public health resources or protective actions that exceed the capabilities of the local jurisdictions. The department may be activated to support mass casualty incidents. Activation will occur following a declaration of a local disaster, upon request by the local jurisdiction, or in any incident affecting the health and safety of employees or the public. The level of activation is based on the type of event and the level of activity anticipated by this department. The primary telephone number to contact CDPHE's Emergency Preparedness and Response Division is 303-692-3022 to communicate a potential situation, provide an update on an unfolding event, or to ask questions and obtain clarification about the department's response or the internal plan.

Who May Activate the Plan

Executive Director of the CDPHE or Designee

Chief Medical Officer or Designee

Director of the Emergency Preparedness and Response Division or Designee

Department Emergency Response Coordinator or Designee

Foreword

Local governmental agencies are responsible for the coordination and management of disaster or emergency events affecting their jurisdictions. If the resources available to a jurisdiction are not adequate to respond to the disaster or emergency, local governmental agencies may request assistance from the state. When a request for assistance is made, CDPHE may be activated to mobilize resources, or to provide technical guidance and information to local governmental entities, other state departments, and the public. CDPHE may be activated in addition to many state agencies when the State Emergency Operations Plan (SEOP), managed by the Colorado Division of Emergency Management, is activated.

- ◆ ESF 1: Transportation
- ◆ ESF 2: Communications
- ◆ ESF 3: Public Works and Engineering
- ◆ ESF 4: Firefighting
- ◆ ESF 5: Emergency Management
- ◆ ESF 6: Mass Care, Housing, Human Services
- ◆ ESF 7: Resource Support
- ◆ ESF 8: Public Health and Medical
- ◆ ESF 9: Urban Search and Rescue
- ◆ ESF 10: Oil and Hazardous Materials Response
- ◆ ESF 11: Agriculture and Natural Resources
- ◆ ESF 12: Energy
- ◆ ESF 13: Public Safety and Security
- ◆ ESF 14: Long Term Community Recovery and Mitigation
- ◆ ESF 15: External Affairs

Colorado has experienced many natural disasters such as floods, wildfires, tornadoes, winter storms, and technological emergencies, such as dam failures and hazardous materials releases. Colorado continues to be vulnerable to a multitude of hazards. For in-depth information on the types of hazards Colorado is vulnerable to see the Colorado State Mitigation Plan that is a part of the SEOP. The SEOP outlines response activities to the following seven incidents:

1. Biological

Managing biological events resulting from acts of terrorism, pandemics, emerging infectious diseases, and novel pathogen outbreaks

2. Catastrophic

Implementing and coordinating an accelerated state response to a catastrophic event, as it applies to ESF 8: Public Health and Medical

3. Cyber

Coordinating and responding to catastrophic cyber events impacting critical state processes

4. Food/Agriculture

Managing major disasters impacting the state's agriculture and food systems

5. Nuclear/Radiological

Managing nuclear or radiological incidents

6. Oil/Hazardous Materials

Managing incidents related to hazardous materials pollution

7. Terrorism

Coordinating with law enforcement and working on criminal investigations

The department's Internal Emergency Response Plan outlines program activities to support public health's response to ALL disaster or emergency events in Colorado, including but not limited to those incidents named above.

1. Introduction - State Plan Summary

When a disaster or emergency event exceeds local response capabilities, jurisdictions are likely to request common types of assistance from the state. The types of assistance have been grouped at the national level into 15 Emergency Support Functions (ESFs). The SEOP adopted the 15 ESFs and identified appropriate state departments as leads for each functional area. Chart 1: *Emergency Support Functions Assignment Matrix* (below) provides a summary of the lead departments and those state departments that are responsible for supporting the lead agency. The SEOP has 15 Emergency Support Function (ESF) Annexes to guide the state in its response efforts.

Lead – A state department is assigned the responsibility for planning, coordinating, and tasking support departments and agencies in the development of policies, procedures, roles, responsibilities, and requirements of the ESF and its operational requirements. This includes developing and maintaining the ESF annex to the SEOP.

Secondary Lead – Certain principal components of some ESFs are clearly shared by state departments or organizations other than the designated lead department. In such situations, the department or organization that would normally be the lead for one or more of these major components will be designated as a secondary lead, responsible for the development and implementation of that specific portion of the functional responsibility.

Supporting – Those departments assigned a supporting role of a given ESF will collaborate and coordinate with the lead department to carry out the assigned mission, including the development and exercising of response plans.

1. Departments not assigned to specific ESFs will serve as a reserve of material and personnel resources potentially required to perform unassigned tasks or supplement response.
2. Specific supporting tasks are assigned to volunteer and private organizations that, by their state or national charter, or through written Memoranda of Agreement or Understanding with the Colorado Division of Emergency Management, are committed to providing disaster response or disaster relief assistance.

A brief explanation of the scope of each ESF annex is represented in Chart 1 below.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan – Part I: Base Plan

Chart 1: State Emergency Operations Plan Emergency Support Functions (ESF)

| State Departments Or Assigned Agency | ESF 1 - Transportation | ESF 2 – Communications | ESF 3 - Public Works & Engineering | ESF 4 - Firefighting | ESF 4a - Wildfire Suppression | ESF 5 – Emergency Management | ESF 6 – Mass Care, Housing and Human Services | ESF 7 - Resource Support | ESF 8 – Public Health and Medical Services | ESF 8a - Mental Health & Substance Abuse | ESF 9 – Search and Rescue | ESF 10 – Oil and Hazardous Materials Response | ESF 11 – Agriculture and Natural Resources | ESF 12 - Energy | ESF 13 – Public Safety and Security | ESF 14 – Long Term Community Recovery and Mitigation | ESF 15 – External Affairs |
|--|------------------------|------------------------|------------------------------------|----------------------|-------------------------------|------------------------------|---|--------------------------|--|--|---------------------------|---|--|-----------------|-------------------------------------|--|---------------------------|
| Governor’s Office | | S | | | | | | S | | | | S | | S | | S | L |
| Div of Emergency Management | S | S | S | S | S | L | S | L | S | S | L | S | S | S | S | S | S |
| Agriculture | | | | | | S | S | S | S | | | | L | | | S | S |
| Corrections | S | | S | S | S | S | | S | | | | | | | S | S | S |
| Education | S | | | S | | S | S | S | S | | S | | S | | | S | S |
| Health Care, Policy & Finance | | | | | | | S | | S | | | | | | | S | S |
| Higher Education | | | S | | L | S | S | S | S | S | | S | S | | | S | S |
| Human Services | | | | | | S | L | | S | L | | | S | | | S | S |
| Labor & Employment | S | | S | | | S | | S | | | S | | | | | S | S |
| Law | | | | S | S | S | | | S | | | | | | S | S | S |
| Local Affairs | | | | | | | | S | | | | | S | S | S | L | S |
| Military & Veteran Affairs | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | | S |
| Natural Resources | | | S | | S | S | | S | S | | S | S | L | S | S | S | S |
| Personnel & Administration | | L | | | | S | S | S | S | S | | | | | | S | S |
| Public Health & Environ | | S | S | | | S | S | | L | | | S | S | | S | S | S |
| Public Safety | S | S | | L | | S | | S | S | | S | L | | | L | S | S |
| Regulatory Agencies | S | | | | | S | | | S | S | | | | L | | S | S |
| Revenue | S | | | | | S | | | | | | | | | | S | S |
| Transportation | L | | L | S | S | S | S | S | S | | S | S | | S | | S | S |
| Treasury | | | | | | S | | S | | | | | | | | S | S |
| Red Cross | | | | S | S | S | S | S | S | S | | | | | | S | S |
| Salvation Army | | | | S | S | S | S | S | S | S | | | | | | S | S |
| COVOAD | | S | | S | | S | S | S | S | S | | | | | | S | S |
| CSRB | | | | | | S | | | | | S | | | | | | S |
| Private Sector | | S | | | | | | | | | | | | S | | S | S |
| Professional Associations | S | | | | | S | S | S | S | S | S | S | S | | S | S | S |

L= Lead; S=Supporting

ESF 1: Transportation – *Department of Transportation*

Provides transportation support to assist in domestic incident management. Activities within the scope of this function include: processing and coordinating requests for state, local, and civil transportation support as directed under the SEOP; reporting damage to transportation infrastructure as a result of the incident; coordinating alternate transportation services (air, maritime, surface, and rail); coordinating the restoration and recovery of the transportation infrastructure; and coordinating and supporting prevention, preparedness, and mitigation of damage to transportation infrastructure among stakeholders at the state and local levels.

ESF 2: Communications – *Department of Personnel and Administration*

Coordinates state actions to provide the required temporary telecommunications and the restoration of the telecommunications infrastructure. Activities of this function support all state departments and agencies in the procurement and coordination of all telecommunications services from the telecommunications and information technology industry during an incident response.

Communications is information transfer and involves the technology associated with the representation, transfer, interpretation, and processing of data among persons, places, and machines. It includes transmission, emission, or reception of signs, signals, writing, images, sounds or intelligence, and security of any nature by wire, radio, optical, or other electromagnetic systems.

ESF 3: Public Works and Engineering – *Department of Transportation*

Provides public works and engineering-related support for the changing requirements of domestic incident management to include prevention, preparedness, response, recovery, and mitigation actions. Activities within the scope of this function include conducting pre- and post-incident assessments of public works and infrastructure; executing emergency contract support for life-saving and life-sustaining services; providing technical assistance to include engineering expertise, construction management, and contracting and real estate services; providing emergency repair of damaged infrastructure and critical facilities; and other recovery programs.

ESF 4: Fire Fighting – *Department of Public Safety*

Manages and coordinates firefighting activities, including the detection and suppression of fires on state and local lands, and provides personnel, equipment, and supplies in support of state, local, and tribal agencies involved in rural and urban firefighting operations.

ESF 4a: Wildfire Suppression – *Department of Higher Education*

Provides for and assist in the coordination and utilization of interagency firefighting resources to combat wild land emergencies. Also provides for incident management teams to assist on-scene incident command and control operations. Provide Governor’s Authorized Representative for Federal Emergency Management Agency (FEMA) Fire Assistance Declarations.

ESF 5: Emergency Management – *Division of Emergency Management*

Supports ESFs for all state departments and agencies across the spectrum of domestic incident management from prevention to response and recovery. Facilitates information flow in the pre-incident prevention phase in order to place assets on alert or to pre-position assets for quick response. During the post-incident response phase, this function is responsible for support and planning functions. The activities of this function include those that are critical to support and those that facilitate multi-agency planning and coordination for operations. This includes alert and notification; deployment and staffing of designated emergency response teams; incident action planning; coordination of operations, logistics, and

material; direction and control; information management; facilitation of requests for federal assistance, resource acquisition, and management (to include allocation and tracking); worker safety and health; facilities management; financial management; and other support, as required.

ESF 6: Mass Care, Housing, and Human Services – *Department of Human Services*

Promotes the delivery of services and the implementation of programs to assist individuals, households, and families impacted by potential or actual disasters. This includes economic assistance and other services for individuals impacted by the incident.

Three primary activities under this function are mass care, housing, and human services. Mass care involves the coordination of non-medical mass care services to include sheltering of victims; organizing feeding operations; providing emergency first aid at designated sites; collecting and providing information on victims to family members; and coordinating bulk distribution of emergency relief items. Housing involves the provision of assistance for short- and long-term housing needs of victims. Human services include providing victim related recovery efforts such as counseling; identifying support for persons with special needs; expediting processing of new benefits claims; assisting in collecting crime victim compensation for acts of terrorism; and expediting mail services in affected areas.

ESF 7: Resource Support – *Division of Emergency Management*

Supports local and tribal governments in emergency relief supplies, facility space, office equipment, office supplies contracting services, transportation services (in coordination with ESF #1 – Transportation), security services, and personnel required to support immediate response activities. Other activities of this function include support for requirements not specifically identified in other ESFs, including excess and surplus property. Resource support may continue until the disposition of excess and surplus property, if any, is completed.

ESF 8: Public Health and Medical Services – *Department of Public Health and Environment*

Provides assistance to local and tribal governments in identifying and meeting the public health and medical needs of victims of a disaster. This support is categorized in the following core functional areas: assessment of public health/medical needs (including behavioral health); public health surveillance; medical care personnel; and medical equipment and supplies.

ESF 8a: Mental Health and Substance Abuse – *Department of Human Services*

Provides crisis-counseling services to individuals and groups impacted by the disaster situation. Mental health professionals may be mobilized to offer home- and community-based services. Substance abuse counselors may be mobilized to provide education and outreach regarding unhealthy coping mechanisms (i.e., alcohol or drug use) as a response to stress. Crisis counseling is a time-limited program designed to assist victims/survivors of a disaster in returning to their pre-disaster level of functioning. Coordinates and provides mental health services to victims and responders following a disaster.

ESF 9: Search and Rescue – *Division of Emergency Management*

Integrates the search and rescue system around a core of task forces prepared to deploy immediately and initiate operations in support of ESF #9. These task forces are staffed primarily by local fire department and emergency services personnel who are highly trained and experienced in search and rescue operations and possess specialized expertise and equipment.

ESF 10: Oil and Hazardous Materials Response – *Department of Public Safety*

Provides for a coordinated response to actual or potential oil and hazardous materials incidents. This includes the appropriate response and recovery actions to prepare for, prevent, minimize, or mitigate a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents. Hazardous materials addressed under the SEOP include chemical, biological, and radiological substances, whether accidentally or intentionally released. These include certain chemical, biological, and radiological substances considered weapons of mass destruction. This functional area describes the lead coordination roles, the division and specification of responsibilities among various agencies, and the regional and onsite response organizations, personnel, and resources that may be used to support response actions.

Response to oil and hazardous materials incidents is carried out in accordance with the National Contingency Plan (40 CFR part 300). The SEOP implements the response authorities and responsibilities created by the Comprehensive Environmental Response, Compensation, and Liability Act, and the authorities established by section 311 of the Clean Water Act, as amended by the Oil Pollution Act.

ESF 11: Agriculture and Natural Resources – *Department of Agriculture; Department of Natural Resources*

Determines nutrition assistance needs and meets needs by obtaining appropriate food supplies, arranging for delivery of the supplies, and authorizing disaster food stamps. Animal and plant disease and pest response includes implementing an integrated state, local, and tribal response to an outbreak of a highly contagious or economically devastating animal/zoonotic disease, an outbreak of a highly infective exotic plant disease, or an economically devastating plant pest infestation. Coordination occurs with ESF #8 – Public Health and Medical, to ensure that animal, veterinary, and wildlife issues in natural disasters are supported.

Assures the safety and security of the commercial food supply, including the inspection and verification of food safety aspects of slaughter and processing plants, products in distribution and retail sites, and import facilities at ports of entry; laboratory analysis of food samples; control of products suspected to be adulterated; plant closures; food-borne disease surveillance; and field investigations. Protects resources, including appropriate response actions to conserve, rehabilitate, recover, and restore resources.

ESF 12: Energy – *Department of Regulatory Agencies*

Collects, evaluates, and shares information on energy system damage and estimations on the impact of energy system outages within affected areas. The term “energy” includes producing, refining, transporting, generating, transmitting, conserving, building, distributing, and maintaining energy systems and system components. Additionally, activities include providing for information concerning the energy restoration process such as projected schedules, percent completion of restoration, geographic information on the restoration, and other information, as appropriate.

ESF 13: Public Safety and Security – *Department of Public Safety*

Provides a mechanism for coordinating and providing federal support to state and local authorities to include non-investigative/non-criminal law enforcement, public safety, and security capabilities and resources during potential or actual Incidents of National Significance.

The activities in this functional area support incident management requirements including force and critical infrastructure protection; security planning and technical assistance; technology support; and public safety in both pre-incident and post-incident situations. This functional area is activated in situations requiring extensive public safety and security assistance where state and local government

resources are overwhelmed or inadequate, or in pre-incident or post-incident situations that require protective solutions or capabilities unique to the state government.

ESF 14: Long-Term Community Recovery and Mitigation – *Department of Local Affairs*

Addresses policies and concepts that apply to appropriate state departments and agencies following disasters that affect the long-term recovery of a community. Support may vary based on the magnitude and type of incident and the potential for long-term and severe consequences. This functional area is activated for large-scale or catastrophic incidents that require federal assistance to address significant long-term impacts in the affected area (e.g., impacts on housing, businesses and employment, community infrastructure, and social services).

ESF 15: External Affairs – *Office of the Governor*

Coordinates state actions to provide the required external affairs support to state, local, and tribal incident management elements. This annex details the establishment of support positions to coordinate communications to various audiences. *Note: ESF #15 applies to all state and local departments and agencies that may require public affairs support or whose public affairs assets may be employed during a disaster.* The provisions of this annex apply to any response or other event designated by the Governor's Office where significant interagency coordination is required. ESF #15 is organized into the following functional components: Public Affairs, Community Relations, Congressional Affairs, International Affairs, State and Local Coordination, and Tribal Affairs.

This functional area provides the resources and structure for the implementation of the SEOP. Incident communications actions contained in the SEOP are consistent with the template established in the National Incident Management System.

CDPHE Programs

CDPHE is identified as a support agency for nine of the 15 annexes and is the lead agency for one annex: ESF 8: Public Health and Medical.

Chart 2 (below) identifies the programs within CDPHE that are likely to be involved in each ESF annex of the SEOP that lists CDPHE as a support agency. The nature of the event will drive which programs are activated by CDPHE through this internal plan.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan – Part I: Base Plan

**Chart 2: Department Support to SEOP ESF Annexes
By Department Program**

| Colorado Department Public Health and Environment Program | ESF 1 - | ESF 2 - | ESF 3 - Public Works & | ESF 4 - Firefighting | ESF 4a - Wildfire Suppression | ESF 5 - Emergency Management | ESF 6 - Mass Care, Housing, Human | ESF 7 - Resource Support | ESF 8 - Public Health and Medical | SF 8a - Mental Health & | ESF 9 - Search and Rescue | ESF 10 - Oil & Hazardous | ESF 11 - Agriculture and | ESF 12 - Energy | ESF 13 - Public Safety | ESF 14 - Long Term Community | ESF 15 - External Affairs |
|---|---------|---------|---------------------------|----------------------|----------------------------------|---------------------------------|--------------------------------------|-----------------------------|--------------------------------------|----------------------------|------------------------------|-----------------------------|-----------------------------|-----------------|---------------------------|---------------------------------|------------------------------|
| Accounting | | | | | | X | | | X | | | X | X | | X | | |
| Air Pollution – Mobile Src | | | | | | | | | X | | | X | X | | | | |
| Air Pollution – Stationary Src | | | | | | | | | X | | | X | | | | X | X |
| Air Pollution – Technical Service | | | X | | | | X | | X | | | X | X | | X | X | |
| Budget | | | | | | X | | | X | | | X | | | | | |
| Building Operations | | X | | | | | | | X | | | | | | X | X | |
| Child, Adol & School Health | | | | | | | X | | X | | | | | | | X | |
| Chronic Disease Prevention | | | | | | | | | X | | | X | | | | X | |
| Communicable Disease Epi | | | | | | | X | | X | | | | | | | X | |
| Consum Protn – Food Prog | | | | | | | X | | X | | | X | | | | X | |
| Consum Protn – Institutions & Consumer Products | | | | | | | | | X | | | X | | | | X | |
| Contracts | | X | | | | | | | X | | | X | | | | X | |
| Drugs, Med Dev, Hlth Fraud | | | | | | | | | X | | | X | | | | X | |
| Emergency Preparedness | | X | X | | | X | X | | X | | | X | | | X | X | X |
| Emergency Med & Trauma | | | | | | | | | X | | | X | | | | X | |
| Environmental Epidemiology | | | | | | | X | | X | | | X | | | | X | |
| External Affairs & Planning | | | X | | | | | | X | | | X | | | | X | X |
| Health Facilities- Long Term | | | | | | | X | | X | | | X | | | | X | |
| Health Facility – Program Dev | | | | | | | | | X | | | X | | | | X | |
| Health Facility – Residential | | | | | | | X | | X | | | X | | | | X | |
| Health Statistics | | | | | | | | | X | | | X | | | | X | |
| Haz Mat & Solid Waste | | | | | | | X | | X | | | X | | | | X | |
| Haz Mat & Solid Waste - Remediation | | | | | | | | | X | | | X | | | | X | |
| HIPPA Compliance | | X | | | | | | | X | | | | | | | X | |
| Human Resources | | | | | | | | | X | | | | | | | X | |

October 2007

Internal Response Plan

State Plan Summary 1-7

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan – Part I: Base Plan

| Colorado Department Public Health and Environment Program | ESF 1 - | ESF 2 - | ESF 3 - Public Works & | ESF 4 - Firefighting | ESF 4a - Wildfire Suppression | ESF 5 - Emergency Management | ESF 6 - Mass Care, Housing, Human | ESF 7 - Resource Support | ESF 8 - Public Health and Medical | SF 8a - Mental Health & | ESF 9 - Search and Rescue | ESF 10 - Oil & Hazardous | ESF 11 - Agriculture and | ESF 12 - Energy | ESF 13 - Public Safety | ESF 14 - Long Term Community | ESF 15 - External Affairs |
|---|---------|---------|---------------------------|----------------------|----------------------------------|---------------------------------|--------------------------------------|-----------------------------|--------------------------------------|----------------------------|------------------------------|-----------------------------|-----------------------------|-----------------|---------------------------|---------------------------------|------------------------------|
| Immunizations | | | | | | | | | X | | | X | | | X | X | |
| Information Technology | | X | | | | | | | X | | | | | | | X | |
| Injury Prevention | | | | | | | X | | X | | | X | | | | X | |
| Interagency Prev'n Services | | | | | | | | | X | | | | | | | X | X |
| Internal Audit | | | | | | | | | X | | | | | | | | |
| Laboratory Services | | X | | | | | | | X | | | X | | | X | X | |
| Maternal & Child Health | | | | | | | X | | X | | | | | | | X | |
| Nutrition Services | | | | | | | X | | X | | | | | | | X | |
| Office of Communications | | X | X | | | X | X | | X | | | X | | | X | X | X |
| Office of Health Disparities | | | | | | | X | | X | | | X | | | | X | |
| Office of Legal & Regulatory Affairs | | X | | | | | | | X | | | X | | | | X | |
| Office of Suicide Prevention | | | | | | | X | | X | | | | | | | X | |
| Purchasing | | X | | | | | | | X | | | X | | | | X | |
| Radiation Management | | | | | | | | | X | | | X | | | | X | |
| Rural, Primary & Oral Health | | | | | | | X | | X | | | | | | | X | |
| Sexually Transm Dis /HIV | | | | | | | X | | X | | | | | | | X | |
| State Tobacco Educ & Prev' n | | | | | | | X | | X | | | | | | | X | |
| Vector Control | | | | | | | | | X | | | X | | | | X | |
| Vital Records | | X | | | | | | | X | | | X | | | | X | |
| Water Quality Protection | | | | | | | X | | X | | | X | | | | X | |
| Watershed Monitoring | | | | | | | | | X | | | X | | | | X | |
| Women's Health | | | | | | | X | | X | | | | | | | X | |

2.
Purpose

The purpose of the CDPHE Internal Emergency Response Plan is to describe the basic strategies and mechanisms through which the department will prepare, mobilize, and respond to disasters and emergency events. This may include mobilization of resources or technical guidance and information to local governments, other state departments, and the public. It is to guide CDPHE programs in their roles and responsibilities with inter-departmental and inter-divisional response during disaster or emergency events that require public health and medical assistance.

This plan is comprised of two primary sections: Part I – The Basic Plan; and Part II – the Operational Plans. The purpose of Part I is to guide the department in the overall emergency response concept of operations and activation, including legal authority for emergency response actions. Part II will provide additional information on response procedures and protocols for each division and specific programs based on the scenarios outlined in the SEOP, the expectations of the SEOP ESF annexes and the responsibilities of the programs in fulfilling CDPHE’s mission.

3.

Scope

This plan is intended to guide the department through planning, training, activation, and coordination of activities during declared disaster or emergency events. The department or divisions and programs within the department will provide guidance and technical assistance in identifying and meeting the health, medical, and environmental needs of any local jurisdiction threatened or impacted by a disaster or emergency event. The types of assistance the department will provide to local jurisdictions are described in Part II – The Operational Plan. The following list identifies the programs within the department that may be activated to provide support and guidance, or represent the department in a support role to other state departments identified as lead agencies for other ESFs during a state-level response to a disaster or emergency event.

Responding Health Programs

| | |
|--|--|
| Child, Adolescent, and School Health | Interagency Issues for Prevention Services |
| Chronic Disease Prevention (asthma, cancer, diabetes, etc) | Laboratory (biological, chemical) |
| Communicable Disease Epidemiology | Long Term Care |
| Emergency Medical and Trauma Services | Maternal and Child Health |
| Emergency Preparedness and Response | Nutrition (WIC) |
| Environmental Epidemiology | Oral Health |
| Epidemiology Investigations | Residential Care |
| Health Disparities | Sexually Transmitted Disease/HIV |
| Health Statistics (including GIS) | Suicide Prevention |
| HIPAA Compliance | Tobacco Education and Prevention |
| Immunizations | Vital Records (birth/death certificates) |
| Injury Prevention | |

Responding Environmental Programs

Air Pollution (mobile and stationary sources)
Consumer Protection (drugs, medical devices, food, vector control, institutions, and consumer products)
Environmental Sustainability
Hazardous Materials (remediation)
Radiation Management
SARA Title III
Waste Management (solid and hazardous waste)
Water Quality (water protection and watershed monitoring)

4.
Planning Assumptions

The following are the planning assumptions used for the development of this internal plan.

- A.** Disasters and emergency events will exceed the available resources of local public and environmental health entities, requiring assistance from the state.
- B.** This department will take into consideration the type and scale of all disasters and emergency events, prioritizing the response based on the following criteria: life-threatening, possible injury to employees or the public, protection or safety of property, and protection of the environment.
- C.** A disaster or emergency event may cause death and widespread damage, including disruption to the health care system. It also may disrupt the public infrastructure, including water systems, food distribution, and other systems, which, in turn, could lead to a threat to the health and safety of the public.
- D.** Secondary hazards, such as fires and/or the release of hazardous materials, may require the redirection of resources, population evacuation, or shelter-in-place procedures.
- E.** This department will work with the affected local jurisdiction to provide guidance and support during disasters and emergencies that affect the public health.
- F.** This department will respond as the lead agency for Emergency Support Function (ESF) #8: Public Health and Medical, when the State Emergency Operations Plan (SEOP) is activated.
- G.** Standard program functions may be suspended during emergency response and recovery operations in order to meet community needs.

5.
Authority and Legal Issues

Authority

Colorado Revised Statutes

(CRS) 24-32-2103-Definitions

As used in this part 21, unless the context otherwise requires:

- (1) “Bioterrorism” means the intentional use of microorganisms or toxins of biological origin to cause death or disease among humans or animals.
 - (1.3) “Committee” means the governor’s expert emergency epidemic response committee created in section 24-32-2104.
 - (1.5) “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, or hostile military or paramilitary action.
 - (1.7) “Emergency Epidemic” means cases of an illness or condition, communicable or non-communicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins.
 - (1.9) “Pandemic influenza” means a widespread epidemic of influenza caused by a highly virulent strain of the influenza virus.
- (2) “Political subdivision” means any county, city, or town and may include any other agency designated by law as a political subdivision of the state.
- (3) “Search and Rescue” means the employment, coordination, and utilization of available resources and personnel in locating, relieving distress and preserving life of, and removing survivors from the site of a disaster, emergency, or hazard to a place of safety in case of lost, stranded, entrapped, or injured persons.

(CRS) 24-32-2104 The Governor and Disaster Emergencies

- (1) The governor is responsible for meeting the dangers to the state and people presented by disasters.
- (2) Under this part 21, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

- (3) (a) There is hereby created a governor's disaster emergency council, referred to in this part 21 as the "council", consisting of not less than six nor more than nine members. The attorney general, the adjutant general, and the executive directors of the following departments shall be members: Administration, transportation, public safety, and natural resources. The governor from among the executive directors of the other departments, if any, shall appoint the additional members. The governor shall serve as chairman of the council, and a majority shall constitute a quorum. The council shall meet at the call of the governor and shall advise the governor and the director of the office of emergency management on all matters pertaining to the declaration of disasters and the disaster response and recovery activities of the state government; except that nothing in the duties of the council shall be construed to limit the authority of the governor to act without the advice of the council when the situation calls for prompt and timely action when disaster threatens or exists.
- (b) The members of the governor's disaster emergency council, as such existed prior to March 12, 1992, shall become the initial members of the council on March 12, 1992.
- (4) A disaster emergency shall be declared by executive order or proclamation of the governor if the governor finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat of danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and the governor terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty days unless renewed by the governor. The general assembly, by joint resolution, may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection (4) shall indicate the nature of the disaster, the area threatened, and the conditions which have brought it about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the office of emergency management, the secretary of state, and the county clerk and recorder and disaster agencies in the area to which it applies.
- (5) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local, and inter-jurisdictional disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this part 21 or any other provision of law relating to disaster emergencies.
- (6) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing in this section restricts the governor's authority to do so by orders issued at the time of the disaster emergency.

- (7) In addition to any other powers conferred upon the governor by law, the governor may:
- (a) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
 - (b) Utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster emergency;
 - (c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
 - (d) Subject to any applicable requirements for compensation under section 24-32-2111, commandeer or utilize any private property if the governor finds this necessary to cope with the disaster emergency;
 - (e) Direct and compel the evaluation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;
 - (f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;
 - (g) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein;
 - (h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles; and
 - (i) Make provision for the availability and use of temporary emergency housing.
- (8) (a) There is hereby created a governor's expert emergency epidemic response committee. The duties of the committee shall be to develop by July 1, 2001, a new supplement to the state disaster plan that is concerned with the public health response to acts of bioterrorism, pandemic influenza, and epidemics caused by novel and highly fatal infectious agents and to provide expert public health advice to the governor in the event of an emergency epidemic. The committee shall meet at least annually to review and amend the supplement as necessary. The committee shall provide information to and fully cooperate with the council.
- (b) (I) State members of the committee shall include the following:

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

- (A) The executive director of the department of public health and environment;
 - (B) The chief medical officer of the department of public health and environment;
 - (C) The chief public information officer of the department of public health and environment
 - (D) The emergency response coordinator for the department of public health and environment;
 - (E) The state epidemiologist for the department of public health and environment;
 - (F) The attorney general or the designee of the attorney general;
 - (G) The president of the board of health or the president's designee;
 - (H) The president of the state medical society or the president's designee;
 - (I) The president of the Colorado health and hospital association or the president's designee;
 - (J) The state veterinarian of the department of agriculture; and
 - (K) And (L) (Deleted by amendment, L. 2000, p.546, 24, effective July 1, 2000.
- (II) In addition to the state members of the committee, the governor shall appoint to the committee an individual from each of the following categories:
- (A) A licensed physician who specializes in infectious diseases;
 - (B) A licensed physician who specializes in emergency medicine;
 - (C) A medical examiner;
 - (D) A specialist in posttraumatic stress management;
 - (E) A director of a local public health department
 - (F) A hospital infection control practitioner;
 - (G) A wildlife disease specialist with the division of wildlife; and
 - (H) A pharmacist member of the state board of pharmacy.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

- (III) The executive director of the department of public health and environment shall serve as the chair of the committee. A majority of the membership of the committee, not including vacant positions, shall constitute a quorum.
- (IV) The executive director of the department of public safety or the executive director's designee shall serve as an ex officio member of the committee and shall not be able to vote on decisions of the committee. The executive director shall serve as a liaison between the committee, the council, and the Colorado emergency planning commission in the event of an emergency epidemic.
- (c) The committee shall include in the supplement to the state disaster plan a proposal for the prioritization, allocation, storage, protection, and distribution of antibiotic medicines, antiviral medicines, antidotes, and vaccines that may be needed and in short supply in the event of an emergency epidemic.
- (d) The committee shall convene at the call of the governor or the executive director of the department of public health and environment to consider evidence presented by the department's chief medical officer or state epidemiologist that there is an occurrence or imminent threat of an emergency epidemic. If the committee finds that there is an occurrence or imminent threat of an emergency epidemic, the executive director of the department of public health and environment shall advise the governor to declare a disaster emergency.
1. In the event of an emergency epidemic that has been declared a disaster emergency, the committee shall convene as rapidly and as often as necessary to advise the governor, who shall act by executive order, regarding reasonable and appropriate measures to reduce or prevent spread of the disease, agent, or toxin and to protect the public health. Such measures may include, but are not limited to:
- (I) Procuring or taking supplies of medicines and vaccines;
 - (II) Ordering physicians and hospitals to transfer or cease admission of patients or perform medical examinations of persons;
 - (III) Isolating or quarantining persons or property;
 - (IV) Determining whether to seize, destroy, or decontaminate property or objects that may threaten the public health;
 - (V) Determining how to safely dispose of corpses and infectious waste;
 - (VI) Assessing the adequacy and potential contamination of food and water supplies;

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

(VII) Providing mental health support to affected persons; and

(VIII) Informing the citizens of the state how to protect themselves, what actions are being taken to control the epidemic, and when the epidemic is over.

(CRS) 24-32-2111.5- Governor's expert emergency epidemic response committee-compensation-liability

- (1) Neither the state nor the members of the expert emergency epidemic response committee designated or appointed pursuant to section 24-32-2104 (8) shall be liable for any claim based upon the committee's advice to the governor or the alleged negligent exercise or performance of, or failure to exercise or perform an act relating to an emergency epidemic. Liability against a member of the committee may be found only for wanton or willful misconduct or willful disregard of the best interests of protecting and maintaining the public health. Damages awarded on the basis of such liability shall not exceed one hundred thousand dollars for any injury to or damage suffered by one person or three hundred thousand dollars for an injury to or damage suffered by three or more persons in the course of an emergency epidemic.
- (2) The conduct and management of the affairs and property of each hospital, physician, health insurer, or managed health care organization, health care provider, public health worker, or emergency medical service provider shall be such that they will reasonably assist and not unreasonably detract from the ability of the state and the public to successfully control emergency epidemics that are declared a disaster emergency. Such persons and entities that in good faith comply completely with board of health rules regarding the emergency epidemic and with executive orders regarding the disaster emergency shall be immune from civil or criminal liability for any action taken to comply with the executive order or rule.
- (3) No personal services may be compensated by the state or any subdivision or agency of the state except pursuant to statute or local law or ordinance.
- (4) Compensation for property shall be made only if the property was commandeered or otherwise used in coping with an emergency epidemic that is declared by the governor or a member of the disaster emergency forces of the state.
- (5) The amount of compensation shall be calculated in the same manner as compensation due for taking of property pursuant to eminent domain procedures, as provided in articles 1 to 7 of title 38, C.R.S.

Source: L. 2000. Entire section added, p. 86, S. 3. Effective March 15.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

Federal

Robert T. Stafford Disaster Relief and Emergency Assistance Act and Amendment (42 U.S.C. 5121, et al.)

State

Colorado Disaster Emergency Act of 1992 (Part 21 of Article 32, Title 24, Colorado Revised Statutes, 1988 as Amended)

Colorado Revised Statutes, 24-32-2103, Definitions

Colorado Revised Statutes, 24-32-2104, The Governor and Disaster Emergencies

Colorado Revised Statutes, 24-32-2111.5, Governor's Expert Emergency Epidemic Response Committee-Compensation-Liability

C.R.S. 25-1.5-102(1) (a) and 25-1-506(1) (b) - Allows state/local public health agencies to “investigate/control causes of epidemic & communicable diseases affecting the public health.”

C.R.S. 25-1.5-102((1) (a) (II) and 25-1-122 - State Board of Health has authority to require reports of dangerous diseases to public health officials. Public Health can access medical records relating to such diseases.

C.R.S. 25-1-122(4) – Reports & records from a disease investigation are confidential and not subject to release.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) prohibits disclosure of individually identifiable health information.

45 CFR 164.512(b) - permits disclosures to public health authorities

45 CFR 164.512(a) - permits disclosures required by state law

C.R.S. 25-1-122(4) (e) does not violate HIPAA.

C.R.S. 25-1-122(4) (e) - Allows release to law enforcement “to the extent necessary for any investigation or prosecution related to bioterrorism.” “Reasonable efforts shall be made to limit disclosure of personal identifying information to the minimal amount necessary to accomplish the law enforcement purpose.” Information sharing with law enforcement does not violate HIPAA.

C.R.S. 25-1.5-102(1) (c) and C.R.S. 25-1-506(c) - CDPHE/Local PH has statutory authority to “establish, maintain and enforce isolation and quarantine ... and to exercise such physical control over property and the persons of the people within this state....”

C.R.S. 25-1-112 and 512 – authorizes health officials to seek a court order requiring compliance with quarantine/isolation for non-compliant person(s)

C.R.S. 25-1-114(4) and 514(4) – disobeying a PH agency is a misdemeanor criminal offense.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

C.R.S. § 24-32-2104(8) - The Governor’s Expert Emergency Epidemic Response Committee (GEEERC) was statutorily created in 2000 to develop a public health response to “acts of bioterrorism, pandemic influenza and epidemics caused by novel and highly fatal infectious agents.” Convenes to consider evidence presented by the CDPHE Chief Medical Officer or state epidemiologist that there is an occurrence or imminent threat of an emergency epidemic. Advises the governor to declare a disaster emergency.

C.R.S. § 24-32-2104(7) (a) - The Governor has the broad powers to meet an emergency. In any disaster, the Governor may “Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules, or regulations of any state agency, if strict compliance with provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency. In an emergency epidemic the GEEERC advises the Governor on “reasonable and appropriate measures to reduce or prevent the spreading of disease.” Under the GEEERC statute, the Governor may issue executive orders directing measures that may include but are not limited to:

- Procuring and taking supplies of medicines and vaccines;
- Ordering physicians and hospitals to cease admissions;
- Isolating or quarantining persons or property;
- Seizing, destroying or decontaminating property or objects;
- Safely disposing of corpses and infectious waste;
- Assessing the safety of food and water supplies;
- Providing mental health support;
- Providing information to the public.

C.R.S. § 24-32-2104(8)(e) - The declaration of a disaster serves to, change the legal rules by invoking emergency power and suspending statutes, make resources more readily available, and extend immunity from civil or criminal liability to health care providers and others that act pursuant to an Executive Order.

24-32-2605 - Immunity.
Statute text:

(1) No state commission or agency or county or municipal agency, including local emergency planning committees, citizen corps councils, fire protection districts, and volunteer fire, ambulance, or emergency service and rescue groups, nor their officers, officials, directors, employees, or volunteers, when engaged in emergency planning, service, or response activities regarding a hazardous material release, threat of release, or act of terrorism, shall be liable for the death of or injury to any person or for the loss of or damage to property or the environment resulting from the hazardous material release, threat of release, or act of terrorism, except for willful and wanton acts or omissions.

(1.5) No private organization or any of its officers, officials, directors, employees, or volunteers, when working under the direction of a local emergency planning committee or state or local fire or law enforcement agency and when engaged in emergency planning, training, or response activities regarding a hazardous material release, threat of release, or act of

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

terrorism, shall be liable for the death of or injury to any person or for the loss of or damage to property or the environment resulting from the hazardous material release, threat of release, or act of terrorism, except for willful and wanton acts or omissions.

- (2) No member of the commission or any local emergency planning committee shall be liable for the death of or any injury to persons or loss or damage to property or the environment or any civil damages resulting from any act or omission arising out of the performance of the functions, duties, and responsibilities of the commission or local emergency planning committee, except for acts or omissions which constitute willful misconduct.
- (3) Nothing in this section shall be construed to abrogate or limit the immunity or exemption from civil liability of any agency, entity, or person under any statute, including the "Colorado Governmental Immunity Act", article 10 of this title, or section 13-21-108.5, C.R.S.

Source: L. 92: Entire part added, p. 1041, § 5, effective March 12. L. 2004: (1) amended and (1.5) added, p. 676, § 1, effective April 26.

6. Liability and Workers Compensation

Introduction

Liability and workers compensation for public health personnel and volunteers engaging in activities to meet an imminent or existing public health concern related to an emergency event are addressed in state statute.

The legal concept of liability applies when a public health worker or a volunteer injures someone in the course of performing public health actions. Workers compensation applies when the public health worker or volunteer is injured while performing public health duties.

Public health officials may take actions responding to a public health event under statutes used in the ordinary course of their duties. In certain extraordinary public health emergencies, the Governor may declare a disaster to meet a public health emergency. Statutes regarding liability and workers compensation applicable in both situations are cited below.

Note: While this document outlines general applicable principles of law, public health agencies and individual volunteers should consult legal counsel to determine liability and workers compensation coverage applicable to specific situations or local circumstances.

A. No Declared Disaster

Liability

Public Employees - State and local government employees are covered by the Colorado Governmental Immunity Act (CGIA). C.R.S. § 24-10-103(4)(a) (definition of “public employee”). Public employees are not liable for injuries arising out of an act or omission occurring during the performance of the employee’s duties and within the scope of employment, unless the act or omission is willful or wanton. C.R.S. 24-10-105. A public entity is immune from liability in all claims for injury which lie in tort, with certain exceptions specifically set forth in the CGIA. C.R.S. § 24-10-106. The exceptions to immunity which might apply to public health activity would be: (a) the operation of a motor vehicle, owned or leased by the public entity, by a public employee while in the course of employment (except emergency vehicles operated in certain circumstances) and (b) the operation of a public hospital. C.R.S. § 24-10-106(1)(a) and (b). In these situations, the public entity might be liable for the acts of the employee. In sum, state and local public health employees are not personally liable for actions they take within the scope of their employment to meet a public health event, unless the act causing injury is willful and wanton.

Volunteers - A person who volunteers to assist a state or local health agency is also covered by the CGIA when the volunteer “performs an act for the benefit of a public entity at the request of and subject to the control of such public entity.” C.R.S. § 24-10-103(4)(a). Thus, a volunteer

who acts under the direction of a state or local public health agency is not personally liable, unless the act causing injury is willful or wanton.

Nonprofit Entities that Supply and Supervise Employees CGIA does not explicitly address a situation in which a non-profit entity recruits, supplies and supervises volunteers who may assist state or local public health officials in meeting a public health event. The State is (a) evaluating whether a contract between a nonprofit entity and the State may bring the entity within the ambit of the CGIA and (b) whether a statutory change would clarify governmental immunity for this situation.

Workers Compensation

Public Employees - The Colorado Workers Compensation Act (“Compensation Act”) defines “employee” to include, “Every person in the service of the state, or of any county, city, town, or of any public institution or administrative board thereof under any appointment pr contract for hire, express of implied...” C.R.S. § 8-40-202(1)(a)(I)(A). In general, the Compensation Act requires employers to provide coverage for injuries that occur within the scope of employment, which would include any injury suffered in the course of performing actions to meet a public health event.

Volunteers - The Compensation Act does not explicitly require public employers to cover volunteers, although the Act does include volunteer disaster teams and volunteer ambulance teams and groups as “employees” under the Act. See C.R.S. § 8-40-202(1)(a)(I)(A) and (1)(b). Public entity employers may choose to extend coverage to volunteers under the entity’s workers comp insurance policies.

B. A Declared Disaster

Liability

Public Employees - During a declared disaster, CGIA continues to apply to the performance of duties by public health employees within the scope of their employment. In addition, certain provisions of the Colorado Disaster Emergency Act of 1992 (“Disaster Act”) also apply. When the Governor issues executive orders directing measures to combat an emergency epidemic, the Disaster Act provides immunity from civil liability for “public health care workers” who completely comply in good faith with the executive orders. C.R.S. § 24-32-2111.5(2)

Health Care Volunteer - Through the Disaster Act “hospital, physician, health insurer or managed health care organization, health care provider, public health care worker, or emergency medical services provider” who completely comply in good faith with executive orders issued to combat an emergency epidemic shall be immune from civil liability. C.R.S. § 24-32-2111.5(2)

Other volunteers - The Disaster Act does not explicitly confer immunity from civil liability on other volunteers who assist in combating an emergency epidemic. However, under C.R.S. § 24-32-2303, the State assumes liability for damages and injuries “caused by acts done or attempted under the color of the ‘Colorado Disaster Emergency Act of 1992’ ... in a bona fide attempt to comply therewith,” except for willful misconduct, gross negligence or bad faith. This statute could apply to injuries of volunteers assisting in an emergency epidemic. The statute does not

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

apply to injuries suffered by volunteers who are registered with the division of emergency management or with a local organization for civil defense.

Workers Compensation

Public Employees - Workers compensation coverage remains in effect for public employees who perform duties within the scope and course of their employment during the disaster.

Health Care Volunteers - State statute provides workers compensation benefits in disasters to a “physician, health care provider, public health worker, or emergency medical service provider who is ordered by the Governor or a member of the disaster emergency forces of this state to provide specific medical or public health services related to an emergency epidemic and who complies with such an order without pay or other consideration” C.R.S. § 24-32-2202(3).

Other Volunteers - The same statute also provides workers compensation benefits (if appropriated) to persons who register with the state Division of Emergency Management (DEM) or a local organization for civil defense for the purpose of engaging in civil defense without pay or other consideration. C.R.S. § 24-32-2202(3). Civil defense means all activities authorized by and carried on pursuant to the Disaster Act. C.R.S. § 24-32-2202(2). These registered volunteers that assist public health agencies in meeting a public health declared disaster would be eligible for workers compensation benefits as provided by the above referenced statute.

| Party/ Situation | No Declared Disaster | | | | Declared Disaster | | | |
|--|------------------------------|-------------------|--------------------------|--------------------------------------|------------------------------|-----------------|--------------------------|--------------------------------------|
| | Immune from Injury Liability | | Gov Worker Comp Coverage | | Immune from Injury Liability | | Gov Worker Comp Coverage | |
| | Yes / No | Statute | Yes / No | Statute | Yes / No | Statute | Yes / No | Statute |
| CDPHE Employee | Yes | § 24-10-103(4)(a) | Yes | 8-40-202(1)(a)(I)(A) | Yes | 24-32-2111.5(2) | Yes | 8-40-202(1)(a)(I)(A) |
| Local Public Health Employee | Yes | § 24-10-103(4)(a) | Yes | 8-40-202(1)(a)(I)(A) | Yes | 24-32-2111.5(2) | Yes | 8-40-202(1)(a)(I)(A) |
| Healthcare Volunteer | Yes | § 24-10-103(4)(a) | No | governmental entity may opt to cover | Yes | 24-32-2111.5(2) | Yes | 24-32-2202(3) |
| Volunteer under supervision of CDPHE | Yes | § 24-10-103(4)(a) | No | governmental entity may opt to cover | Yes | 24-32-2303 | Yes | 24-32-2202(3) if registered with DEM |
| Volunteer under supervision of local public health | Yes | § 24-10-103(4)(a) | No | governmental entity may opt to cover | Yes | 24-32-2303 | Yes | 24-32-2202(3) if registered with DEM |
| Volunteers supervised by a nonprofit entity | No | | No | | Yes | 24-32-2303 | No | |

This table indicates general principles of law; public health agencies and volunteer individuals should consult legal counsel to determine liability and workers compensation coverage applicable to specific situations and local circumstances.

7.
Draft Executive Orders

Description of the Draft Executive Orders available for the Governor’s signature during an emergency or disaster event follow. These orders can be in a separate document as an attachment. Legal preparedness is an essential component of public health emergency preparedness and response. Planning and effective response to a public health emergency requires knowledge of the following legal issues:

Executive Order 0.0: Declaration of a State of Disaster Emergency due to Criminal Acts of Biological Terrorism.

Activates the Colorado’s State Emergency Operation Plan (SEOP).

Executive Order 1.0: Ordering Hospitals to Transfer or Cease the Admission of Patients to Respond to the Current Disaster Emergency

Authorizes CDPHE to order hospital emergency departments to cease admissions and transfer patients to a hospital or facility as directed by CDPHE. CDPHE controls the determination of when a hospital has reached capacity and when the hospital may resume admission.

Executive Order 1.1: Ordering Hospitals to Transfer or Cease the Admission of Patients to Respond to the Current Disaster Emergency

Authorizes hospitals to cease admissions and transfer patients. Provides that hospital emergency departments may determine on their own, without central direction from CDPHE, whether they have reached capacity to examine and treat patients. Authorizes hospital emergency departments to resume admissions when they have determined that they have the capacity to do so.

Executive Order 2.0 Concerning the Procurement and Taking of Certain Medicines and Vaccines Required to Respond to the Current Disaster Emergency

Authorizes the seizure of named drugs from “outlets” (as defined in the pharmacy statutes.) Embargoes the supply of the named drugs in the possession of the outlets except for those supplies that CDPHE regulation requires certain facilities and organizations to keep for chemoprophylaxis of their employees.

Executive Order 3.0(2) Concerning the Suspension of Certain Statutes and Regulations to Provide for the Rapid Distribution of Medication in Response to the Current Disaster Emergency

Implements Colorado’s Strategic National Stockpile (SNS) Plan. Provides for the rapid distribution of medication by suspending the pharmacy statutes and regulations pertaining to the compounding, dispensing and delivery of any drug. Suspends the “single patient- single prescription” requirement and authorizes the Executive Director or Chief Medical Officer of the CDPHE or the director of a local department of health to direct listed health care providers to compound, dispense or deliver prescription drugs.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Internal Emergency Response Plan

Executive Order 4.0 Concerning the Suspension of the Physician and Nurse Licensure Statutes to Response to the Current Disaster Emergency

Authorizes physicians and nurses who hold a license issued by another state to practice under the supervision of a Colorado licensed physician or nurse to meet the current emergency epidemic.

Executive Order 5.0 Concerning the suspension of Certain Licensure Statutes to Enable More Colorado Licensed Physician Assistants and Emergency Medical Technicians to Assist in Responding to the Current Disaster Emergency

Authorizes Colorado licensed physician assistants (PA) and emergency medical technicians (EMT) to practice outside of their normal supervision but under the supervision of another physician to meet the emergency epidemic.

Executive Order 6.0 Concerning the Isolation and Quarantining of Individuals and Property in Response to the Current Disaster Emergency Epidemic

Authorizes CDPHE to establish, maintain, and enforce isolation of all individuals infected with the disease or to quarantine all individuals exposed to the disease.

Executive Order 7.0 Ordering Facilities to Transfer or Receive Patients with Mental Illness and Suspending Certain Statutory Provisions to Respond to the Current Disaster Emergency

Authorizes the transfer of mental patients to different facilities when necessary to combat the current epidemic and promote the public health.

Executive Order 8.0 Concerning the Suspension of Certain Statutes Pertaining to Presumptions of Death and Burial Practices in Response to the Current Disaster Emergency

Authorizes suspension of statutes to allow for the rapid burial of epidemic victims without following normal funeral procedures, religious practices or death certificates in all cases.

8. Concepts of Operations

General

CDPHE is responsible for monitoring disaster or emergency events that may be a potential hazard or pose significant threat to the public health and the environment in Colorado. CDPHE will advise federal, state, and local agencies of significant hazards or threats that pertain to the health and environment of Coloradans during disasters or emergency events. The Division of Emergency Management bases implementation of this Internal Emergency Response Plan upon a direct request for assistance from a local authority or activation of the SEOP.

Any significant hazard or threat reported to or monitored by CDPHE will be classified as either a “**routine response**,” requiring a normal programmatic response according to pre-established procedures and protocols; or, as a “**disaster/emergency event response**” requiring a modification in normal programmatic response.

A disaster is defined in C.R.S. § 24-32-2103, as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill, or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or a condition of riot, insurrection, or invasion existing in the state or in any county, city, town, or district in the state. Acts of bioterrorism, emergency epidemics and pandemic influenza also are incorporated into the state’s definition of a disaster (C.R.S. § 24-32-2104, 1.7 and 1.9).

Some disasters or emergency events will require the non-programmatic/non-routine commitment of department personnel and resources. Events of this nature include but are not limited to: natural disasters; man-made disasters including acts of terrorism; events that require a multi-layered interface with other agencies at all levels of government; and events that have a catastrophic impact.

Implementation

CDPHE will follow the National Incident Management System (NIMS) structure in both the activation process and the administrative organization for decision-making and activity coordination. Departmental activities are coordinated through the Department Operations Center (DOC) when the activation level reaches a point of complexity that normal daily response activities are modified and coordination of multiple programs occurs.

Activation of the department will occur based on the level of response required by the department. Notification of the activation level will occur through the Emergency Preparedness and Response Division as follows:

October 2007

Internal Response Plan

Management and Organization **8-1**

Standby

An event is unfolding that may escalate into a situation that will require advanced response from CDPHE, or a State of Emergency is likely, requiring departmental response as the lead for ESF 8 in the State Emergency Operations Plan. The Emergency Preparedness and Response Division is monitoring the situation.

Level 4 Activation

Routine response and protocols are underway with slightly elevated use of resources from a small number of programs. However, the event is managed within the scope and resources of each division responding. The Emergency Preparedness and Response Division is monitoring activities and sending out updates.

Level 3 Activation

Response activities are occurring at an elevated level due to an emergency or disaster event, with coordination of activities and communication between department programs required. This level of activation warrants opening the DOC and initiating the incident management system as appropriate for the incident. The Emergency Preparedness and Response Division begins the internal notification process and sends routine updates internally.

Level 2 Activation

Response activities engage other state agencies. All department activities related to the disaster or emergency event are coordinated through the DOC and activation of the full incident management system is in place, including event documentation and financial tracking. The department is supporting the public health agency to the local jurisdiction as well as leading the efforts of ESF 8 through the State Emergency Operations Plan.

Level 1 Activation

Response has reached a level where federal support is needed. All department activities continue, coordinated through the DOC, with local and federal representatives present as liaisons to department and ESF 8 activities.

Deactivation

The Colorado Division of Emergency Management (CDEM) initiates deactivation procedures for all state agencies when a large-scale event enters the recovery or end phase. Department leadership deactivates personnel and the DOC, based on the status of the event and the threat to the public health. Activation levels gradually return to Level 4, and then to normal (day-to-day) program and department activities, signaling the conclusion of the disaster or emergency event.

9.
Roles and Responsibilities

There are specific roles and responsibilities assigned to specific positions in CDPHE for response to disasters or emergency events. The department's executive director or the incident commander, based on the circumstances surrounding the event or availability of personnel, can delegate those functions to others. Consideration must be given to the delegation of positions that may require a specific technical background, license, or skill to accomplish and achieve the authority of the position.

Executive Director is responsible for ensuring that the department is adequately prepared and capable of supporting the emergency response needs of local jurisdictions, based on the tasks that fall within the scope of the department's responsibilities. This position has the responsibility and authority for committing department personnel and resources to an event in response to a disaster or emergency event.

The authority of this position may be delegated to an appointed executive agent (e.g., the chief medical officer, the EPRD director, the director of Environmental Programs, etc.). This position or the delegated representative will serve as the chairperson for the Governor's Expert Emergency Epidemic Response Committee (GEEERC).

Emergency Preparedness and Response Division is responsible for assessing natural and man-made disasters and enhancing public health response to those events for CDPHE. The division will take the lead in coordinating public health and medical response with other local and state partners as well as ensuring the internal plan is appropriately activated. The division will guide individuals in incident management positions and the activities coordinated through the DOC.

Emergency Response Coordinator or designee is responsible for ensuring communication between management and the Emergency Preparedness and Response Division is continuous and effective at all times during an emerging event and throughout a declared emergency or disaster event. This position will serve as the CDPHE representative to the State Emergency Operations Center (SEOC) during events.

Duty Officer for the Emergency Response and Incident Reporting Line (303-594-5219 or 303-692-3022 or 1-877-518-5608) will report all calls pertaining to a disaster or emergency event and any requests for emergency assistance from a division within the department or local authority to the Emergency Response Coordinator. If unavailable, the report will be relayed to the Director of the Emergency Preparedness and Response Division, the Chief Medical Officer or the Executive Director, in this order.

The Duty Officer notebook will contain a current copy of the CDPHE Call-Down List that will be updated quarterly by Emergency Preparedness and Response Division staff.

Division Directors are responsible for the technical and operational response of their staff for completing tasks assigned to them during a disaster or emergency event. They are to ensure that personnel are tasked with activities for which they are trained or capable of performing.

Division directors also identify and designate primary and back-up technical specialists to provide technical guidance and serve as subject matter experts in the DOC; ensure division personnel are trained on the incident management system for appropriate response when the department is activated; and ensure that division personnel contact lists are complete and up-to-date. It is each division's responsibility to notify the Emergency Preparedness and Response Division of any changes to the CDPHE Call-Down list. All staff on the call-down list should be trained in the use of the list and the division call-routing procedures. There are specific roles and responsibility assigned to positions in CDPHE for response to disaster or emergency events. The department's executive director or the incident commander, based on the circumstances surrounding the event or availability of personnel, can delegate those functions to others. Consideration must be given to the delegation of positions that may require a specific technical background, license, or skill to handle the authority or other requirements of the position.

10. Management and Organization

Management of the Event

The Emergency Preparedness and Response Division is responsible for the internal notification of the Executive Director's Office and the division directors. The division also determines the initial level of activation, and coordinates the activation of the internal plan and DOC. Once the DOC is operational, the division guides individuals in incident management positions and the activities coordinated through the DOC.

Notification and after-hours communication will follow a standard protocol of initially notifying the Executive Director's Office and then division directors. Each division is to maintain a current 'Call-Down List' for notification of their personnel. The emergency response coordinator and the duty officer use the primary department call-down list to notify division directors when events occur after hours. The Emergency Preparedness and Response Division confirms that each division received the notification in a timely manner, based on the level of activation and developing events.

Organizational charts for disasters or emergencies are developed based on the type and scope of each event. Response to disasters or emergencies follows the NIMS at activation Levels 3, 2, and 1. The Executive Director's Office will assign the incident commander and public information officer based on the required response for each disaster or emergency event; the CDPHE Incident Manager (IM), based on the activities of the department, will assign the primary roles of safety officer, liaison officer, and planning, logistics, operations and administration/finance chiefs based on the activities of the department. Groups, units, and teams are created to ensure an adequate span of control and to provide appropriate support to the local jurisdictions or other state agencies requesting support.

Communication systems during an event may include hard-line telephone systems, cellular telephones, pagers, faxes, multiple web based platforms (i.e., SATool, HC Standard, EMSystem, and HAN) computer Internet and Intranet systems, two-way 800 MHz radios, and the Disaster Telephone Network (DTN). Communication augmentation also is available through the local Amateur Radio Emergency Services (ARES).

The department's Office of Communications is responsible for public information and media communications during a disaster or emergency event. The Office of Communications or the incident's assigned public information officer updates the media at specified intervals or as needed. The Office of Communications or the incident's assigned public information officer coordinates with the Colorado Division of Emergency Management and the Governor's Office if the State Emergency Operations Center is activated and/or a State of Emergency is declared.

The public health information hotline (COHELP: 1-877-462-2911) may be used to assist in providing the public with routine or emergency public health or environmental information or guidance.

The Administration and Financial Services Division is responsible for the security of building operations and the building housing the DOC. The Emergency Preparedness and Response Division will work with the Administration and Financial Services Division to ensure appropriate protocols are in place for evening, weekend, and 24/7 access to the building, including DOC electronic access coding and operations.

The Administration and Financial Services Division tracks expenditures, emergency contracting, equipment purchases, and personnel time in support of the department's response to and recovery from disaster or emergency events. Other activities include:

Develop event specific protocols that divisions will use to record disaster or emergency incident operation activities. This should include a way to record non-exempt personnel time and any associated financial expenditures related to the event.

Coordinate the tasking and utilization of the department's legal and legislative liaison staff, as directed by the executive director or incident commander.

Department Operation Center (DOC)

The DOC is managed by the Emergency Preparedness and Response Division and provides a location for coordinating internal response activities and centralizing the department's communication with local, state, and federal partners. It is located on the first floor of Building A on the main campus. However, if the disaster or emergency event impacts the main campus, an alternative location for the DOC has been identified.

Individuals reporting to the DOC are to show and scan their employee identification (ID) or sign in at the DOC entrance. Personnel are directed to a briefing area where they are assigned an incident-specific emergency response role and briefed on the current status of the event.

A DOC operations manual is available to provide reporting personnel with guidance on how to use the facility and WEB EOC. This includes job action sheets for each position in the event responding personnel need guidance or reference documents to assist them in performing their assigned duties. The DOC operations manual also contains guidance documents in the event that organizational chart and federal forms for proper documentation are not available.

The DOC staff posts a current organizational chart in a central location for each operational period of a disaster or emergency response showing the current incident commander and personnel in key positions.

Continuity of Government

General

Should the disaster or emergency event impact the ability of the department to respond in an appropriate manner due to loss of utilities or the physical structure of the DOC, the department

will follow its Continuity of Operations/Continuity of Government Plan and identify a temporary DOC location for coordinating the emergency response operations.

Maintenance

General

The Emergency Preparedness and Response Division ensures the plan is evaluated routinely and updated as appropriate. The plan is evaluated and updated after each activation of the DOC for a disaster or emergency event. EPRD staff also review the response protocols and the administrative aspects of the DOC and all exercises to ensure the department's response is efficient and effective.

The department's response and the activation of this plan during exercises and actual events are reviewed when evaluating both Part I and Part II of this internal plan. Updates and revisions to individual program operational plans in Part II of this internal plan occur with the assistance and guidance from each program.