

Tuesday 28th February, 2006.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective May 1, 2006.

Add Rule 3:24 to read as follows:

Rule 3:24. Appeal of Orders of Quarantine or Isolation regarding Communicable Diseases of Public Health Threat.

A. Where an order of quarantine has been issued relating to a communicable disease of public health threat pursuant to § 32.1-48.09, the provisions of § 32.1-48.010, and related sections of Article 3.02 of Title 32.1 of the Code of Virginia, shall govern any appeal of such order to the appropriate circuit court.

B. Where an order of isolation has been issued relating to a communicable disease of public health threat pursuant to § 32.1-48.012, the provisions of § 32.1-48.013 and related sections of Article 3.02 of Title 32.1 of the Code of Virginia shall govern any appeal of such order to the appropriate circuit court.

C. The circuit court shall hold hearings under this rule in a manner to protect the health and safety of individuals subject to any such order or quarantine or isolation, court personnel, counsel, witnesses, and the general public. To this end, the circuit court may take measures including, but not limited to, ordering the hearing to be held by telephone or video conference or

ordering those present to take appropriate precautions, including wearing personal protective equipment.

Add Rule 5:43 to read as follows:

Rule 5:43. Appeal of Orders Relating to Quarantine or Isolation of Persons.

A. In proceedings involving circuit court orders of quarantine of a person or persons pursuant to Article 3.02 of Title 32.1 of the Code of Virginia, the provisions of Code § 32.1-48.010 shall apply with respect to appealability of such orders, the effect of an appeal upon any order of quarantine, availability of expedited review, stay of quarantine orders, and representation by counsel.

B. In proceedings involving circuit court orders of isolation of a person or persons pursuant to Article 3.02 of Title 32.1 of the Code of Virginia, the provisions of Code § 32.1-48.013 shall apply with respect to appealability of such orders, the effect of an appeal upon any order of isolation, availability of expedited review, stay of isolation orders, and representation by counsel.

C. In all appeals under this rule, the clerk of the court from which an appeal is taken shall transmit the record to the Clerk of the Supreme Court immediately upon the filing of the notice of appeal.

D. Unless otherwise ordered by the Supreme Court, after the filing of the petition for appeal under this Rule, 48 hours shall be allowed for the filing of the brief in opposition. However, the Supreme Court may employ the expedited review provision in Rule 5:18(c). The Supreme Court shall act upon the petition within 72 hours of its filing. Should the Supreme Court grant a writ, the Supreme Court may, in its discretion, permit oral argument within 48 hours of granting the writ. The Supreme Court will issue an order within 24 hours of the argument or of its review of the case without oral argument. The Supreme Court has the authority to alter these time frames in any case.

E. The Court shall hold any oral argument in appeals under this rule in a manner so as to protect the health and safety of individuals subject to any such order or quarantine or isolation, court personnel, counsel, and the general public. To this end, the Court may take measures including, but not limited to, ordering any oral argument to be held by telephone or video conference or ordering those present to take appropriate precautions, including wearing personal protective equipment. If necessary, the Court may dispense with oral argument.

Add Rule 7A:16 to read as follows:

Rule 7A:16. Isolation Proceedings under Article 3.01 of Title 32.1 of the Code of Virginia; Communicable Diseases of Public Health Significance.

A. Upon any petition by the State Health Commissioner, or that

official's designee, for an order that a person or persons appear before the court to determine whether isolation is necessary to protect the public health from the risk of infection with a communicable disease of public health significance, the provisions of §§ 32.1-48.03, 32.1-48.04, and related sections of Article 3.01 of Title 32.1 of the Code of Virginia shall be followed.

B. The court shall hold hearings under this rule in a manner to protect the health and safety of individuals subject to any such order or quarantine or isolation, court personnel, counsel, witnesses, and the general public. To this end, the court may take measures including, but not limited to, ordering the hearing to be held by telephone or video conference or ordering those present to take appropriate precautions, including wearing personal protective equipment.

A Copy,

Teste:

Clerk