

Noncompliance with Control Measures

On occasion, you may have clients who are known to be or suspected to be in violation of the control measures issued for hepatitis B infection. Non-compliance is not to be taken lightly and our first duty as public health professionals is to ensure the health and safety of the community. However, the manner of response chosen by the local health department/health director to a confirmed case of non-compliance requires careful thought and consideration. In determining an appropriate response to non-compliance with control measures, consider the following:

- Were control measures issued at the time the infection was identified? If so, in what manner? Verbally? In writing? By mail?
- Was the client provided with adequate information on hepatitis B and allowed the opportunity to ask questions?
- Are there any developmental, mental or physical, cultural, or language barriers that might affect the client's understanding of or compliance with control measures?
- Is this the first instance of non-compliance by the client?
- What was the exact nature of the control measure violation? How many others were adversely affected?

There may be other factors to consider in addition to those listed above. Before a final course of action and response is determined, consultation with others, such as the local health department medical director, county attorney, Division of Public Health Office of Regulatory and Legal Affairs, and the Communicable Disease Branch is recommended. Enforcement of control measures can be pursued through civil and/or criminal court. However, the ultimate objective is not to punish but to obtain compliance with control measures from the infected client.