

April 27, 2020

Dear Citizens of Jefferson County,

I have received many e-mails and telephone calls over the past few days, and I am simply not able to individually answer each letter and each call and at the same time continue to do what is needed to fight this pandemic. Many of you have had very similar concerns. So, while I know form letters are hated by all, this is the only way I know how to address your questions and concerns.

Overwhelmingly, there have been three issues raised in the communications I have received: 1) anger over our department's online reporting survey for compliance with the Stay-at-Home order; 2) questions about the constitutionality of the actions we have taken, and; 3) disagreement with continuing the Stay-at-Home order for Jefferson County based on either a sense that we have misinterpreted the data used for the decision or anger that we have not realized that the COVID-19 case morbidity curve has already been "flattened."

I would like to address each of these issues and will do so in the same sequence. I must say at the beginning, however, that I know that many of you will continue to disagree with the decisions that we have made. All I can ask is that you realize the decisions were not made arbitrarily but were based on our reading of the data available. Everyone seems to know, or has heard of, an emergency room doctor in California, or a pulmonary doctor in New York, or an infectious disease specialist in Wisconsin who has a totally different view of the data, or of the pandemic, or of the severity of the disease, but our decisions have been based on the consensus of the local public health professionals, experts that are being used by the state of Colorado, the U.S. government's health-related departments, and the White House's Coronavirus Task Force.

Online Reporting Form

First, let me speak to our online reporting form for people who wish to report activities that may be in violation of the Stay-at-Home order. When the Governor first put the statewide Stay-at-Home order in place, we received numerous calls with questions about what activities were allowed or forbidden, and numerous questions and complaints about individuals, groups and businesses who were apparently in violation of the order. We did not request or initiate these complaints. However, our ability to respond to the individuals lodging such complaints was severely limited, and the time it took to get back with them to help alleviate their concerns or let them know we had addressed them was lengthy. To meet the need exhibited by the residents of the county, we put together an online form for them, to save time and frustration for those with concerns. We have had over 500 complaints raised, and we have been able to follow-up and resolve almost all the concerns. Education has been our primary tool, and no summonses have been written to this point. However, because of the outpouring concern over this form, I have instructed our staff to take it off the internet.

Local Public Health Authority to Issue Public Health Orders

Second, I will address our authority to initiate a Stay-at-Home order in Jefferson County. The Colorado State Statutes, which have all been reviewed by Legislatures at some point in history and signed into law by a Governor, grant county and district health agencies and boards of health a great deal of authority during public health crises, including epidemics and pandemics. This authority includes the power to administer and enforce laws "to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to

exercise physical control over property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health.” The agency may also, “investigate and abate nuisances when necessary to eliminate sources of epidemic or communicable diseases and conditions affecting public health.” (C.R.S. §25-1-506)

Interpreting and Using Data to Make Decisions

Finally, I will explain our interpretation of the data and the “flattening of the curve” for healthcare. From early in this pandemic response, local, state and federal authorities, including the White House Coronavirus Task Force, have emphasized at least four indicators that would be used before Stay-at-Home orders could be relaxed or lifted. These are: 1) the availability of adequate testing materials for all symptomatic individuals; 2) a system in place to ensure the isolation of all positive cases and to trace all close contacts of each case to move them into self-quarantine; 3) the ability of the healthcare system to adequately treat all severe cases, and; 4) one incubation period (14 days) of decreasing new cases of COVID-19. “Flattening the curve” was the term widely used for the third of these conditions, but it was not the only important indicator.

Aligned with this final question are two other assertions: 1) that deaths from COVID-19 are decreasing and that should be a better indicator of the progress we are making than are new cases, and; 2) with more testing we will naturally find more cases so the indicator of 14 days of decreasing new cases can never be met. While deaths are, indeed, the ultimate final outcome, tracking deaths and the causes of deaths is a time-consuming process and is never as up-to-date as is case finding. The daily new case count is a much better immediate indicator as to where we are. While it is true that the more we test, the more cases we may find, that is only true when there are a large number of active cases in the population. What we hope to see, even as testing goes up, is the total number of cases decreasing and the positivity rate of tests going down as well.

When the Governor announced his “Safer-at-Home” plan, he was very clear that each county and region would need to review their current situation before moving off the “Stay-at-Home” order. The Denver metro county health departments have done so and have concluded that we have met only the third of the four indicators (“flattening the curve”) for moving forward. Testing is still not widely available. Staff for contract tracing and case management are still being hired and trained. And we have not seen a consistent drop in new COVID-19 cases. Based on this information, we determined that holding the Stay-at-Home order in place for one more incubation period would at least give us the opportunity of seeing positive movement on the first two indicators, and hopefully let us begin to see a decreasing caseload of new patients.

As I mentioned above, you may disagree with everything I have written, but I hope you can at least agree that these decisions were not made arbitrarily.

I appreciate the time that many of you have taken to bring your concerns to my attention. I, too, want this time of tragedy to be over. But my mandate is to protect the health of the citizens of Jefferson County, and I will continue to do my best to live up to that mandate as long as I hold this position.

I wish you all the best. Please stay well.

Dr. Mark B. Johnson, MD, MPH
Executive Director
Jefferson County Public Health