

Washington State Board of Health
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Please admit the following 'Supplemental Statement of Authorities' into the official record of proceedings relating to the Complaint filed by John G Gehman on November 28, 2023.

SUPPLEMENTAL STATEMENT OF AUTHORITIES

1. COVID-19 IS A DANGEROUS, CONTAGIOUS OR INFECTIOUS DISEASE

The incontrovertible fact that COVID-19 is a dangerous, contagious or infectious disease is thoroughly documented.

CDC:

Some people, especially those who had severe COVID-19, experience multiorgan effects or autoimmune conditions with symptoms lasting weeks, months, or even years after COVID-19 illness. Multi-organ effects can involve many body systems, including the heart, lung, kidney, skin, and brain. As a result of these effects, people who have had COVID-19 may be more likely to develop new health conditions such as diabetes, heart conditions, blood clots, or neurological conditions compared with people who have not had COVID-19.¹

Washington State Department of Health:

Most people will recover on their own, but some people can develop more serious complications, such as pneumonia, and require medical care or hospitalization. Older people and people with chronic diseases are more likely to get very sick from COVID-19.²

Snohomish County Health Department:

The coronavirus disease (COVID-19) is a respiratory illness. While most people who become ill with COVID-19 can recover on their own with rest and supportive care, the disease can cause severe complications and can be fatal.³

A study published in the Washington State Department of Health's May 18, 2020 '2019-nCoV

1 <https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects/index.html#:~:text=Some%20people%2C%20especially%20those%20who,kidney%2C%20skin%2C%20and%20brain>.

2 <https://doh.wa.gov/emergencies/covid-19/frequently-asked-questions>

3 <https://www.snohd.org/537/COVID-19-Health-Information>

Literature Situation Report (Lit Rep)⁴ says that:

Among a cohort of 2,597 pediatric patients with COVID-19, a low proportion exhibited lymphopenia (9.8%) compared to adults. Elevated creatine kinase MB isoenzyme was much more commonly observed in children (27%) than that in adults, raising some concerns about heart injury in pediatric patients.⁵

And there are several studies conducted in 2020 proving that COVID-19 is in fact a dangerous, contagious or infectious disease:

“The neurological manifestations of COVID-19: a review article”⁶

Various neurological manifestations have been reported on the literature associated with COVID-19, which in the current study are classified into Central Nervous System (CNS) related manifestations including headache, dizziness, impaired consciousness, acute cerebrovascular disease, epilepsy, and Peripheral Nervous System (PNS) related manifestations such as hyposmia/anosmia, hypogeusia/ageusia, muscle pain, and Guillain-Barre syndrome.

“Extrapulmonary manifestations of COVID-19”⁷

Although COVID-19 is most well known for causing substantial respiratory pathology, it can also result in several extrapulmonary manifestations. These conditions include thrombotic complications, myocardial dysfunction and arrhythmia, acute coronary syndromes, acute kidney injury, gastrointestinal symptoms, hepatocellular injury, hyperglycemia and ketosis, neurologic illnesses, ocular symptoms, and dermatologic complications.

“SARS-CoV-2 dissemination through peripheral nerves explains multiple organ injury”⁸

SARS-CoV-2 is reported to be able to infect the lungs, the intestines, blood vessels, the bile ducts, the conjunctiva, macrophages, T lymphocytes, the heart, liver, kidneys, and brain. More than a third of cases displayed neurologic involvement, and many severely ill patients developed multiple organ infection and injury.

“Pathogenesis, clinical manifestations and complications of coronavirus disease 2019

4 <https://doh.wa.gov/sites/default/files/legacy/Documents/1600/LitRep-20200518.pdf>

5 <https://onlinelibrary.wiley.com/doi/10.1002/jmv.26023>

6 Niazkar, H. R., B., Nasimi, A., & Bahri, N. (2020). The neurological manifestations of COVID-19: a review article. *Neurological Sciences, 41*, 1667-1671.

7 Gupta, A., Madhavan, M. V., Sehgal, K., Nair, N., Mahajan, S., Sehrawat, T.S., ... & Landry, D. W. (2020). Extrapulmonary manifestations of COVID-19. *Nature Medicine, 26*(7), 1017-1032.

8 Fenrich, M., Mrdenovic, S., Balog, M., Tomic, S., Zjalic, M., Roncevic, A., ... & Heffer, M. (2020). SARS-CoV-2 dissemination through peripheral nerves explains multiple organ injury. *Frontiers in cellular neuroscience, 14*, 229.

(COVID-19)⁹

Respiratory system and the lungs are the most commonly involved sites of COVID-19 infection. Cardiovascular, liver, kidneys, gastrointestinal and central nervous systems are involved with different frequencies and degrees of severity.

2. STATE AND LOCAL PUBLIC HEALTH OFFICIALS HAVE A DUTY TO CONTROL AND PREVENT THE SPREAD OF DANGEROUS, CONTAGIOUS OR INFECTIOUS DISEASE

The laws and rules of the State of Washington mandate that local health officials shall, whenever dangerous contagious or infectious diseases occur within their jurisdictions, institute disease control and prevention measures, including medical examination, testing, counseling, treatment, vaccination, isolation, quarantine, and vector control. RCW 70.05.070(3) and WAC 246-100-036(3)

And under RCW 70.05.120(2) it is a misdemeanor for local health officials to refuse or neglect to obey the statutory mandate to control and prevent the spread of dangerous contagious or infectious diseases:

Any member of a local board of health who shall violate any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, is guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars.

3. LOCAL HEALTH OFFICIALS HAVE NO AUTHORITY TO IMPLEMENT THE STATE'S 5-DAY ISOLATION POLICY

The State of Washington defines 'isolation' as “the separation of persons or animals with an infectious agent or contaminant in order to prevent or limit the transmission of the infectious agent or contaminant to those who are susceptible to disease or who may spread the agent or contamination to others.” WAC 246-100-011(17)

And 'quarantine' is defined as “the limitation of freedom of movement of persons or domestic animals that have been exposed to, or are suspected to have been exposed to, an infectious agent: (a) for a period of time not longer than the longest usual incubation period of the infectious agent; and (b) in a way to prevent effective contact with those not so exposed.” WAC 246-100-011(24)

9 Kordzadeh-Kermani, E., Khalili, H., & Karimzadeh, I. (2020). Pathogenesis, clinical manifestations and complications of coronavirus disease 2019 (COVID-19). *Future Microbiology* 15(13), 1287-1305.

The Snohomish County Health Department has improperly and unlawfully replaced, rather than supplemented, the State's isolation and quarantine policy as set forth under WAC 246-100-040 through -065 with a 5-day isolation policy for people who have COVID-19¹⁰¹¹ which appears to be loosely based on CDC's pseudo-scientific guidance which clearly state's that it "is meant to supplement – not replace – any federal, state, local, territorial, or tribal health and safety laws, rules, and regulations."¹²

4. THE BOARD OF HEALTH HAS A DUTY TO CONDUCT APRELIMINARY INVESTIGATION

RCW 70.05.120(1) states that: "Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts."

The Board of Health has no authority, under any provision of any law, to refuse to conduct a preliminary investigation.

Here, the evidence clearly indicates that the officials at the Snohomish County Health Department have failed and refused to "carry out the laws or the rules and regulations of concerning public health" - so there should be no reason to refuse to "call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts."

Respectfully signed, electronically, and submitted this 22nd Day of December 2023, by:

/s/ John G Gehman

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10 <https://www.snohd.org/545/If-you-get-COVID-19>

11 <https://doh.wa.gov/emergencies/covid-19/isolation-and-quarantine-covid-19/isolation-and-quarantine-calculator>

12 <https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html>