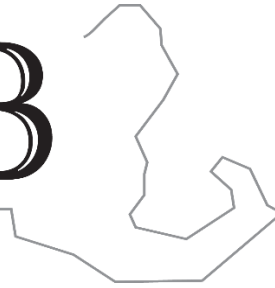


MAHIB

Assisting Massachusetts Boards of Health through
training, technical assistance and legal education



MASSACHUSETTS ASSOCIATION OF HEALTH BOARDS COVID-19

Public health professionals, especially local health departments and boards of health, are facing many questions from local public officials, residents, parents, health care providers and others about COVID-19. These series of documents are meant to provide answers and guidance to health departments and boards of health. These documents are provided *for educational purposes only* and are not to be construed as legal advice. For legal advice, please contact your city or town attorney.

QUESTION: Can local boards of health and health departments provide information about the physical location of quarantined individuals to police departments, fire departments and other first responders?

ANSWER: Yes. COVID-19 is an infectious respiratory disease; and as such, individuals displaying symptoms of the disease, or those who have been in contact with the individuals displaying these symptoms are asked to contact their local board of health and health care provider, and voluntarily quarantine themselves. In addition, those that are actively sick with the disease should voluntarily isolate themselves either at home or in a hospital depending on the severity of the illness and notify the local board of health.

Boards of health are charged with protecting the public from the spread of infectious diseases pursuant to G.L. Chapter 111, Sections 95 to 105. These sections of state law include mandated reporting to the Department of Public Health (DPH) by local boards of health and monitoring each case and any spread of the disease by boards of health.

105 CMR 300.120 provides that “confidential personally identifying information” of the patient be protected except “when necessary for . . . **control, treatment and prevention purposes.**” (105 CMR 300.120(A)), (emphasis added).

G.L. Chapter 111, Section 104 states “If a disease dangerous to the public health exists in a town, **the selectmen and board of health shall use all possible care to prevent the spread of the infection** and may give public notice of infected places by such means as in their judgment may be most effectual for the common safety.” (emphasis added).

The U.S. Department of Health and Human Services’ Office for Civil Rights issued a bulletin entitled “HIPAA Privacy and Novel Coronavirus” in February 2020. The bulletin makes it clear that public health authorities have a legitimate need for some otherwise protected health information. Board of health authority is encompassed in the police powers to protect the public health safety and welfare of the public. Sharing of protected medical information with law enforcement, if necessary, to prevent or lesson a serious and imminent threat, is not only permissible according to the Office of Civil Rights, but necessary to prevent or lesson the serious and imminent threat. “HIPAA expressly defers to the professional judgment of health professionals in Making determinations about the nature and severity of the threat to health and safety.” (See, 45 CFR 164.512(j)). <https://www.hhs.gov/sites/default/files/february-2020-hipaa-and-novel-coronavirus.pdf>

Our first responders must know when to “suit up” and they will only know this if local boards of health give them the information.

This information is provided for educational purposes only and is not to be construed as legal advice.