

COVID-19 FAQ

11. Can our EMS agency notify other first responders – such as fire and PD about the COVID-19 status of a patient AFTER a transport if we know that status?

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Answer: In most states and jurisdictions, information concerning the COVID-19 status of patients should be provided to other first responders by a public health department or the hospital when it is provided **after** the transport. This is because hospitals and public health departments – not EMS - are usually the entities who are **authorized by law** to disclose the information about potential exposure to communicable disease to individuals **after** an event.

HIPAA Defers to Who is Authorized by Law to Report Exposure Information

HIPAA says that a hospital or public health department may disclose protected health information (PHI) to: “A person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if the covered entity or public health authority **is authorized by law** to notify such person. . . .” 45 CFR § 164.512(b)(iv). In addition, the “health and safety” provision under HIPAA states: “A covered entity may, **consistent with applicable law** and standards of ethical conduct, use or disclose protected health information, if the covered entity, in good faith, believes the use or disclosure: (A) Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and (B) Is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.” 45 CFR § 164.512(j).

OCR Guidance

OCR also issued Guidance that makes clear that HIPAA permits covered entities – such as hospitals and public health authorities may disclose protected health information (PHI) about an individual who has been infected with, or exposed to, COVID-19, with law enforcement, EMS, and other first responders in certain situations, such as:

- **When such notification is required by law.** HIPAA a hospital, to disclose PHI about an individual who tests positive for COVID-19 in accordance with a state law requiring the reporting of confirmed or suspected cases of infectious disease to public health officials. 45 CFR 164.512(a).
- **To notify a public health authority in order to prevent or control spread of disease.** HIPAA permits a hospital to disclose PHI to a public health that is authorized by law to collect or receive PHI for the purpose of preventing or controlling disease. 45 CFR 164.512(b)(1)(i); see also 45 CFR 164.501 (providing the definition of “public health authority”).
- **When first responders may be at risk of infection.** HIPAA permits a hospital or health department to disclose PHI to first responder or other person who may come into contact with a person who tested positive for COVID-19, for purposes of preventing or controlling the spread of COVID-19. 45 CFR 164.512(b)(1)(iv).

- **When the disclosure of PHI to first responders is necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public.** HIPAA permits a hospital or public health department to disclose PHI about individuals who have tested positive for COVID-19 to first responders if the covered entity believes in good faith that the disclosure of the information is necessary to prevent or minimize the threat of imminent exposure to such personnel in the discharge of their duties. 45 CFR 164.512(j)(1).

The OCR Guidance Document can be found [here](#).