

## NEWS RELEASE

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FOR IMMEDIATE RELEASE

Contact: Myra Stoney, Health Director, [director@swhealth.ne.gov](mailto:director@swhealth.ne.gov), 308-345-4223

### COVID-19 Information Sharing

Southwest Nebraska Public Health Department (SWNPHD) has received several requests to share information with dispatchers, emergency responders, emergency managers, and law enforcement about positive COVID-19 patients. We understand the desire to have the information they feel is necessary to protect their health and safety. The COVID-19 pandemic has caused stress and concern for many residents of the health district, including ourselves.

“Specifically requested were addresses and/or names of patients who have tested positive for COVID-19 or are presumed to be positive for COVID-19. I have given these requests a great deal of consideration, have discussed them with the Nebraska Department of Health and Human Services and other local public health departments around the state, the executive committee of our Board of Health and legal counsel,” states Myra Stoney, Health Director.

SWNPHD Board of Health met on June 11, 2020. The Board of Health had available to it the particular requests and proposals received by SWNPHD, a letter from Dr. Gary Anthone, the Chief Medical Officer for the State of Nebraska, dated April 17, 2020, Disclosure of Identifiable Health Information FAQs from the Department of Health and Human Services dated April 14, 2020, , Executive Order 20-15, information about the modifications to HIPAA by the federal government. Board members requested and received input from individuals present at the meeting both in-person and virtually. Board members also expressed their questions, concerns, and thoughts, and had a robust discussion about the legal and policy issues.

The Board of Health ultimately voted to not share the personal and identifiable health care information of individuals as has been requested, but to instead limit disclosures to those necessary to aid in enforcement of the directed health measures. The Health Director will respond to direct inquiries from authorized public health partners to confirm a specific individual’s COVID-19 status, after making a good faith effort to determine if there is a serious or imminent threat to public health or safety. A committee of board members, staff, and members of the community is being formed to continue to monitor the COVID-19 situation and make recommendations to the Board of Health regarding information disclosure, personal protective equipment (PPE), and other related issues.

The conversation during the June 11<sup>th</sup> meeting showed that the Board had concerns about the following issues, although these are not intended to be an exhaustive list of their concerns.

- A list of names and/or addresses would not be as useful to first responders as may expected because:
  - Only lab-confirmed positive cases are shared with SWNPHD and tracked by the organization

- Cases in which the individual is solely diagnosed by a medical professional, and not lab-tested, are not shared with SWNPHD or tracked
- There is no timeframe for recovered COVID-19 cases to ‘fall off’ of the list, and these individuals would therefore remain on the list indefinitely
- There are a number of asymptomatic positive cases who wouldn’t be included in the list
- Individuals who are presymptomatic have been shown to shed active virus but wouldn’t be included in the list
- There are individuals who choose to self-quarantine due to symptoms associated with COVID-19, without ever seeking testing or diagnosis, and which would not be shared with SWNPHD or tracked
- Testing in the health district is currently not at a high enough level.
- The possibility of these names or addresses being leaked out to members of the public.
- Currently in some areas of the United States the sharing of personal information has resulted in stigmatization and discrimination by members of the community against those who have tested positive for COVID-19, as has occurred historically with HIV/AIDS.
- Dr. Anthonie’s and DHHS’s guidance is that disclosure of protected identifiable health information be shared only when there is “a good faith belief that such use or disclosure would prevent and lessen a serious and imminent threat” to health and safety. Although COVID-19 is certainly a serious threat, it is not necessarily imminent where PPE is available and appropriately utilized by first responders.
- There was no good faith belief that sharing the types of information requested would actually prevent or lessen the threat, due to the fact that with first responders that have been exposed to COVID-19 in other areas of the state, the exposures came from individuals with no known history of COVID-19 diagnosis at the time of exposure.
- The DHHS guidance is that information released be “the minimum information necessary” relevant “to the immediate care of a patient and ensures proper safety precautions for the first responder,” and that “information shall only be shared on a need to know basis.”. The confidentiality and privacy concerns found in Nebraska law were not suspended by executive order, rather it provided a very limited exception to the general rule of non-disclosure.
- There is concern that sharing such information may result in reduced quality of care from insufficient staffing on first responder units if the status of patients as positive for COVID-19 were known.
- The DHHS guidance is that first responders treat every address as a potential COVID-19 positive site.

It is important to us to all work together to find a balance that allows us to protect the safety and health of the public as well as the individual. We understand the needs of first responders. Therefore, we make the following recommendations for universal PPE to our first responders.

- Maintain a minimum distance of 6 feet from members of the public whenever possible.
- When not possible, wear PPE when coming into contact with all members of the public, regardless of their COVID-19 status.
- Appropriate PPE for first responders includes mask, disposable gloves, and eye protection. In certain circumstances gowns may also be appropriate, but these are

not required or recommended on every call, especially when contact can be limited to 15 minutes or less and where physical distance can be maintained.

SWNPHD has resources that can provide recommendations and guidance on the use of PPE if your agency would like further information.

Information and guidance can be found on the COVID-19 Information pages of SWNPHD's website [www.swhealth.ne.gov](http://www.swhealth.ne.gov). You can also follow SWNPHD on Facebook, Twitter, and Instagram. SWNPHD serves Chase, Dundy, Frontier, Furnas, Hayes, Hitchcock, Keith, Perkins, and Red Willow counties. SWNPHD is located at 404 West 10th St (1 block north of Arby's) in McCook.

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