



NOTICE

To: **County Commissioners and Executives/Council Members, Municipal Leaders**

Cc: **County Health Officers, Baltimore City Health Commissioner**

From: **Robert R. Neall, Secretary**

Date: April 6, 2020

Re: **Disclosure of COVID-19 Test Results, Quarantine Status, and Self-Isolation Status to Entities other than the Local Health Department During the COVID-19 Public Health Emergency**

On March 5, 2020, Maryland Governor Larry Hogan declared COVID-19 a catastrophic health emergency that “poses an immediate danger to public safety.” We are aware that local health departments have received requests from law enforcement agencies and emergency medical services providers for information about individuals in their jurisdictions who have been diagnosed with COVID-19, have been issued a quarantine or isolation order, or have agreed or been directed to self-isolate.

The Health Insurance Portability and Accountability Act (HIPAA) and Maryland confidentiality laws allow for the disclosure of protected health information during emergency situations in certain circumstances. Maryland has more restrictive requirements than HIPAA related to the release of infectious disease information, and consequently controls the laws of disclosure. Moreover, Maryland law requires that all laboratory reports and patient information collected in connection with an infectious disease be considered confidential. Although the law permits the Secretary to disclose such information to another government agency under certain conditions, the Maryland Department of Health (MDH) has decided not to disclose that information to parties other than local health departments for the following reasons:

- MDH, in conjunction with the Maryland State Police, has developed a process for law enforcement and first responders to learn whether a particular individual is the subject of a quarantine or isolation order.
- MDH is already working with local health officials to provide the necessary notification for positive test results within communities to allow those agencies to initiate interventions that will most effectively prevent the spread of disease.
- Due to community spread, providing the specifics of each positive COVID-19 case, such as name, address and age, will provide little benefit to the community, and will only lead to a false sense of security in the community, and may inadvertently increase the unknowing spread of the virus.

Instead, due to the limited COVID-19 testing supply situation, first responders should assume that all individuals in the community could be positive for COVID-19 and adjust movements and actions accordingly.

The Maryland Department of Health regularly discusses issues surrounding the need for further disclosures with all local health officers, and should an issue arise in which it is necessary to alert a local jurisdictional leader of a COVID-19 outbreak, MDH and/or the local health department will reach out to notify the appropriate individuals.