

Health Insurance Portability and Accountability Act (HIPAA)

The Question

- Does HIPAA Privacy Rule allow a covered entity to share the name or other identifying information of an individual who has been infected with, or exposed to, the virus SARS-CoV-2, or the disease caused by the virus, Coronavirus Disease 2019 (COVID-19), with law enforcement, paramedics, other first responders, and public health authorities **without** an individual's authorization?

The Answer

- Yes

References

- [U.S. Department of Health & Human Services](#)
- COVID-19 and HIPAA: Disclosures to law enforcement, paramedics, other first responders and public health authorities
 - [Official](#) -

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Comments

- I'm not a lawyer or a doctor and this is neither legal nor medical advice, but for those curious about, for example, names being removed from the "medical" section of the sheets:

"[L]aw enforcement agencies, including the office of the State's Attorney, are not covered entities under HIPAA." *People v. Beck*, 2017 IL App (4th) 160654 (citing *People v. Bauer*, 931 N.E.2d 1283, 1291 (Ill. App. Ct. 2010)). Since law enforcement agencies are not "covered entities" they are not subject to HIPAA's restraints. *United States v. Prentice*, 683 F. Supp. 2d 991, 1001-04 (D. Minn. 2010).

But HIPAA nonetheless permits "covered entities," such as hospitals, to "share the name or other identifying information of an individual who has been infected with, or exposed to, [COVID-19], with law enforcement, paramedics, and public health authorities without [that] individual's authorization" in certain circumstances. 45 CFR 164.512(b)(1)(iv) permits disclosure of personal health information by a covered entity to "a police officer 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."

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