

Comparison Summary – [PA Senate Bill 1110 \(P.N. 1661\)](#)

12 states currently share PHI with first responders: AL, FL, MA, MN, NH, NC, OH, RI, SC, TN, VA, WI

Bordering states: Of the states that border Pennsylvania (DE, MD, NJ, NY, OH, WV), only Ohio currently shares protected health information (PHI) with first responders.

Among the 12 states that share protected health information with first responders:

- **Enabling mechanism:** 11 states share data per an executive order by the governor, by the state department of health, or through guidance, MOU, or similar agreement between the state department of health and dispatch centers. North Carolina recently amended a narrow provision in its law to allow data sharing with law enforcement ([S.L. 2020-3 \(S 704\), sec. 4.17](#), pg 45). Pennsylvania would be the only state to enable data sharing solely by expanding the state’s right to share statutorily protected confidential health information.
- **Applicability:** ALL states limit the data they share to positive cases of COVID-19. Because it amends PA’s Disease Prevention and Control Law, SB 1110 would apply to all communicable diseases that are the subject of a disaster declaration.
- **Information shared:** 8 states limit data sharing to ONLY addresses of people who have tested positive for COVID-19. 4 states share names and addresses (NH, OH, TN, VA). None require the collection and sharing of the breadth of “individually identifiable health information” allowable under SB 1110 P.N. 1661:
 - “Information, whether oral, written, electronic, visual, pictorial, physical or in any other form, that relates to an individual’s past, present or future physical health status, condition, treatment, service, products purchased or provision of care and:
 - (1) reveals the identity of the individual whose health care is the subject of the information; or
 - (2) serves as a reasonable basis to reveal the identity of the individual whose health care is the subject of the information, alone or in conjunction with other information that is or reasonably should be known to be available.” (pg 4, lines 4-15)
- **Receiving entity:** 11 states disperse information from departments of health or local health boards only to 911 centers or other dispatch agencies. Tennessee uses MOUs between its state health department and 911 centers, police and sheriffs’ departments. However, Gov. Bill Lee is considering [rescinding data sharing agreements with law enforcement](#) based on bipartisan privacy objections by Tennessee legislators. SB 1110 P.N. 1661 would require information to be dispersed directly to over 4,700 entities, including: “911 centers, law enforcement officers, fire department personnel, coroners, and emergency medical services personnel.” (pg 4, lines 14-25)
- **Jurisdiction:** ALL limit the sharing of protected health information to the geographic region of the dispatch center / local health authority. SB 1110 P.N. 1661 would share all the PHI to each of the receiving entities “in each county of this Commonwealth.” (pg. 4, lines 21-22).
- **Form of disclosure:** SB 1110 provides no guidance as to how this information “within 24 hours” is to be shared with the 4,800 different entities across the commonwealth.
- **Confidentiality:** SB 1110 P.N. 1661 requires that each entity receiving PHI “shall follow all applicable Federal and State laws, regulations and confidentiality standards.” (pg.4, lines 24-25). In the absence of any guidance about how this information is to be dispersed to those entities, it is unclear what precautions are in place to ensure the security of Pennsylvanians’ private health information.
- **Data retention:** 9 include specific provisions to destroy the data collected either after a certain number of days or upon terminating the order or lifting the emergency declaration. SB 1110 includes no provision pertaining to retention or destruction of the individually identifiable health information.

State Summaries

Note: There is no one repository that aggregates states dispersing health information to first responders. The data on this list was compiled through an exhaustive search and hopefully captures all of the states currently sharing coronavirus-related health data. Where possible, data is linked to the primary source (executive order, guidance, etc.), but several states do not share their protocols publicly. Also note that Gov. Lee of Tennessee is considering [rescinding data sharing agreements with law enforcement](#) after strong bipartisan opposition from state legislators based on privacy concerns. Party affiliation next to each state refers to the party of the executive branch, as all states on this list are authorized by the governor or an executive branch agency to share health data with first responders.

Alabama (R)

Issuing authority: Alabama Department of Public Health

Information disclosed: Addresses but not names of COVID-19 patients

Dispersing entity: Alabama Department of Public Health

Receiving entity: Department of Public Health disseminates address information to the state's 911 board, which passes the data along to local 911 response districts (Alabama's 911 Board is made up of around a dozen people, some of whom are selected by the governor and others from cable and wireless communications organizations, and coordinates emergency services throughout Alabama's counties)

Jurisdiction: The 911 Board receives an address list daily from the Alabama Department of Public Health which is then provided to a designated response director in the 85 emergency communications districts in the state, depending on whether or not the district has active coronavirus cases.

Form of disclosure: The information is entered into the local district's computer dispatch system and when emergency personnel are dispatched on a call, 911 call takers check the system and alert responders if they are headed to a coronavirus-positive address. The information is entered into the local district's computer dispatch system and when emergency personnel are dispatched on a call, 911 call takers check the system and alert responders if they are headed to a coronavirus-positive address.

Confidentiality: Only the person coordinating the response in a jurisdiction receives the information for that jurisdiction. Alabama may also release the information to other third parties, such as doctors or anyone deemed at risk should they become exposed. [Alabama law](#) authorizes such disclosures: "Physicians or the State Health Officer or his designee may notify a third party of the presence of a contagious disease in an individual where there is a foreseeable, real or probable risk of transmission of the disease."

Data retention: N/A

Effective: March 23, 2020

Sources:

- Landers, L. (2020, March 31). [Alabama and Massachusetts Are Handing the Addresses of People With Coronavirus Over to Police](#). *Vice*.
- Pillion, D. (2020, April 2). [Alabama sharing addresses of coronavirus patients with 911 responders](#). Advance Local.

Florida (R)

Issuing authority: Florida Department of Health

Information disclosed: Addresses of persons that have tested positive for COVID-19

Dispersing entity: Florida Department of Health / State Emergency Operations Center

Receiving entity: First responders

Jurisdiction: N/A

Form of disclosure: N/A

Confidentiality: N/A

Data retention: N/A

Effective: April 7, 2020

Sources:

- Garcia, D. (2020, April 9). [Some areas of SWFL confirm FDOH is providing them with addresses of COVID-19 patients](#). *Miami Herald*.
- [WGCU Covid Update April 10, 2020](#)

Massachusetts (R)

Issuing authority: Massachusetts Department of Public Health

→ **Order:** [Order of the Commissioner of Public Health Regarding the Sharing of Critical Information with First Responders](#)

Information disclosed: The addresses of persons living in their jurisdiction who the local board of health has been informed have tested positive for COVID-19. The disclosure of information shall be limited to the address, and shall not include any other identifying information, including name.

Dispersing entity: Local boards of health

Receiving entity: Local boards of health shall disclose to the official with the responsibility for administering the response to emergency calls

Jurisdiction: In the jurisdiction of the receiving entity

Form of disclosure: N/A

Confidentiality: Any information disclosed pursuant to this Order shall only be used as necessary for responding to emergency calls and not for any other purpose. The Receiving Entity is ordered to ensure that the information is maintained confidentially, and is made available only to those who need to know in order to operate emergency response services.

Data retention: Information disclosed pursuant to this Order may not be retained by the Receiving Entity beyond the termination of the state of emergency.

Effective: March 18, 2020

Source:

- Massachusetts Department of Public Health. [Order of the Commissioner of Public Health Regarding the Sharing of Critical Information with First Responders](#), March 18, 2020.

Minnesota (D)

Issuing authority: Governor Tim Walz

→ **Order:** [Emergency Executive Order 20-34](#)

Information disclosed: Only the addresses of individuals who have tested positive for COVID-19 and are still contagious (data must not include identifying information beyond an address)

Dispersing entity: Department of Public Safety (DPS)

Receiving entity: Public Safety Answering Point (911 dispatch)

Jurisdiction: 911 dispatch centers

Form of disclosure: The shared data must remain confidential, be encrypted in transit, provided only to the minimum number of people necessary to accomplish the purpose of this Order. Unless no other means of communication is available, the shared data must not be disseminated over any channel of communication that could be actively monitored by the public or uninvolved parties. When using channels of communication that could be actively monitored by the public or uninvolved parties, 911 dispatchers and first responders are

encouraged to use coded language or other similar methods that would prevent the public or uninvolved parties from obtaining the shared data.

Confidentiality: Only the addresses of those people who the Minnesota Department of Health (MDH) has determined to be contagious to others will be shared. 911 dispatchers may provide the shared data only to first responders who have an emergent need to know the shared data to aid in their infection control precautions. Recipients of the shared data may use the information only for the limited purpose of protecting their health and that of other first responders making contact at an address. Obtaining or sharing unauthorized data is subject to a criminal penalty and if shared by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

Data retention: MDH must promptly notify DPS when an address is no longer associated with a person who is contagious, and DPS must then promptly cause the shared data to be deleted or removed from 911 dispatch systems. Information must not be maintained by DPS or 911 dispatch centers longer than necessary to accomplish the purpose of this Order. Order is only in effect until the order is rescinded or when the emergency declaration is lifted.

Effective: April 10, 2020

Source:

- Governor Walz. [Emergency Executive Order 20-34](#), April 10, 2020.

New Hampshire (R)

Issuing authority: New Hampshire Department of Health and Human Services

- [Memorandum of Understanding Between the New Hampshire Department of Health and Human Services and Local First Responders' Call Centers/Dispatches](#)
- [Protocols for Disclosure of COVID-19 Data to Local Call Centers/Dispatches, First Responders, Receiving Medical Facilities Personnel, and Corrections Personnel](#)

Information disclosed: Names and addresses of COVID-19 patients, if available, and the date of a person's test.

Dispersing entity: State Department of Health and Human Services (DHHS)

Receiving entity: 67 local first responders' call centers/dispatches.

Jurisdiction: Region of call center/dispatcher

Form of disclosure: Division of Public Health will share COVID-19 data with local first responders' call centers/dispatches ("call centers/dispatches") through a mechanism created by the State agencies, such as a secured download site. The data will be shared each day during the Term. This information will also be shared, through the call centers/dispatches with first responders, receiving medical facility personnel if an individual is transported to a medical facility, and corrections personnel if an individual is transported to a correctional facility.

Confidentiality: Each call center/dispatch shall maintain the COVID-19 data in a secured electronic system, such as a CAD system, where access to the information shall be limited to specific employees involved in the dispatching of information to first responders. COVID-19 data shall only be used in the delivery of emergency services and shall only be shared with first responders, receiving medical facility personnel, and corrections personnel directly involved in the care and/or the transport of the infected individual. No person shall use or disclose COVID-19 data except as necessary for the protection of first responders, receiving medical facility personnel, and corrections personnel. COVID-19 data received by call centers/dispatches shall only be maintained in electronic form. No paper copies or duplicate electronic copies shall be made. COVID-19 data shall not be subject to disclosure under New Hampshire's right-to-know law.

Data retention: COVID-19 data for each individual shall remain in the call centers/dispatches' systems for a time period of 21 days from the test/"investigation begun" date. On day 22, the COVID-19 data shall be purged

and permanently deleted from the call centers/dispatches' systems. Neither the call centers/dispatches nor any first responder department shall retain COVID-19 data in any form after day 22 of its receipt.

Effective date: April 2020

Sources:

- New Hampshire Department of Health and Human Services, [Memorandum of Understanding Between the New Hampshire Department of Health and Human Services and Local First Responders' Call Centers/Dispatches](#)
- New Hampshire Department of Health and Human Services, [Protocols for Disclosure of COVID-19 Data to Local Call Centers/Dispatches, First Responders, Receiving Medical Facilities Personnel, and Corrections Personnel](#)

North Carolina (D)

Issuing authority: North Carolina Department of Health and Human Services

Information disclosed: Address where a positive COVID-19 patient lives. They are not given the person's name, medical history or contact information.

Dispersing entity: Local health department

Receiving entity: Local health department informs local dispatch center of positive COVID-19 cases

Jurisdiction: Local health department/dispatch center

Form of disclosure: After a person tests positive for the virus, they fill out a list of paperwork given to them by their health care provider. The local health department then receives that information. A designated person from each local health department then contacts a designated individual at the local dispatch center. The individual then logs that address into the emergency responders computer system and "flags it." That means, a note is made next to the address. The flag is only raised, and the information is only visible if a call for service comes from that address. If a call for service is made, the responding officers will get a notification to alert them that a person at the location tested positive for the virus.

Confidentiality: Information is not shared with individual first responder departments. It is only shared when a person is responding to a call at that address.

Data retention: The "flag" and data on the location is only able to be deleted when the local health department notifies the individual at the respected dispatch center that the patient is no longer infected.

Sources:

- [North Carolina COVID-19 DHHS Privacy and Security Office Guidance](#)
- [NC 911 Dispatch Screening Protocol](#)
- University of North Carolina: [Disclosing Information about People with COVID-19 to First Responders](#)
- Pierce, D. (2020, April 17). [Addresses of COVID-19 patients accessible for emergency responders in times of service](#). Fox.

Ohio (R)

Issuing authority: Ohio Department of Health

→ **Order:** [Director's Order to Release Protected Health Information to Ohio's First Responders](#)

Information disclosed: Names and addresses of those who test positive for COVID-19

Dispersing entity: Local health departments

Receiving entity: Dispatch agency or agencies

Jurisdiction: Within the jurisdiction of the local health department

Form of disclosure: Information will only be released to first responders, who are responding, or may be called upon to respond.

Confidentiality: Dispatch agencies are required to keep this information confidential. Information will not be used for any purpose other than to control, mitigate, or prevent the spread of COVID-19 during interactions with first responders. First responder agencies and dispatch centers may not use, disclose, or access this information for any other reason. Any such use will be subject to criminal liabilities.

Data retention: Once a person has recovered from COVID-19 the information will be removed from the dispatch agency's system. The names and addresses of individuals who have tested positive for COVID-19 will not stay in the dispatch system after the COVID-19 emergency no longer exists.

Effective date: April 14, 2020

Sources:

- Ohio Department of Health. [Director's Order to Release Protected Health Information to Ohio's First Responders](#), April 14, 2020.
- Ohio Department of Health. [COVID-19 Release of Protected Health Information to Ohio's First Responders](#), April 16, 2020.

Rhode Island (D)

Issuing authority: Rhode Island Department of Health

Information disclosed: Addresses of those who have tested positive for COVID-19, but no names or other personal information

Dispersing entity: Rhode Island Department of Health database

Receiving entity: Emergency dispatchers

Jurisdiction: N/A

Form of disclosure: Emergency dispatchers can check a database and notify personnel responding to the home of someone who has tested positive for COVID-19

Confidentiality: To make use of the database, municipal dispatch units must first agree to abide by state and federal privacy laws.

Data retention: N/A

Sources:

- Reynolds, M. (2020, April 19). [First responders can learn whether COVID-19 is threat at address](#). *Providence Journal*.

South Carolina (R)

Issuing authority: Department of Health and Environmental Control

Information disclosed: Addresses of those who have tested positive for COVID-19

Dispersing entity: Department of Health and Environmental Control

Receiving entity: County 911 dispatchers

Jurisdiction: Counties

Form of disclosure: Secure web-based system to allow first responders to query addresses while responding to calls to determine if a person living there has tested positive for the coronavirus.

Confidentiality: Disclosures will be secured from public view to maintain individual health privacy.

Data retention: Addresses will not stay in the system forever, and will drop out of the database when health officials could "reasonably conclude" the person involved is no longer infected.

Effective date: April 6, 2020

Sources:

- Cranney, J. (2020, March 31). [After complaints, SC health officials will flag first responders to coronavirus cases](#). *Post and Courier*.
- Kinnard, M. (2020, April 2). [South Carolina to give 1st responders virus address data](#). *Associated Press*.

Tennessee (R)

Issuing authority: Tennessee Department of Health

→ **MOU:** Tennessee Department of Health and the Tennessee Emergency Communications Board

Information disclosed: Names and addresses of those testing positive for COVID-19

Dispersing entity: Tennessee Department of Health

Receiving entity: 911 centers, police departments*, sheriffs' departments* (Gov Lee may rescind sharing data with law enforcement; see links below)

Jurisdiction: Emergency Communications District (ECD)

Form of disclosure: Each Emergency Communications District (ECD) has a unique login for their data and receives only those names and addresses within their jurisdiction. The program is scrubbed daily and individuals are removed after 30 days. The ECD may only notify the first responder that an individual at a given address is on the list when the first responder is answering a call at a listed address. ECD may disclose the name of a listed individual at that address only if the individual named on the list is also the individual needing the emergency care from the first responder. Information on the list may not be disclosed for any other purpose than the purpose detailed in the Memo of Understanding.

Confidentiality: Under the MOU, first responders, paramedics and law enforcement officials are required to adhere to strict privacy rules including keeping the list confidential and secure, safeguarded from easy view of anyone not privy to the information and storing electronic versions on encrypted devices.

Data retention: Patient's name and address will be removed from the list after 30 days and when Tennessee's state of emergency for COVID-19 is lifted, the health department will stop releasing the list.

Effective date: April 3, 2020

Sources:

- Hara, A. (2020, May 11). [Feds: Tenn. can share COVID-19 patient info without violating HIPAA](#). *WVLT*.
- Wadhvani, A. (2020, May 8). [Health department gives names, addresses of Tennesseans with COVID-19 to law enforcement](#). *Tennessee Lookout*.
- Allison, N. (2020, May 8). [TN, Nashville officials provide coronavirus patient info to police](#). *Tennessean*.
- *Stockard, S. (2020, May 13). [Governor considers stopping COVID information sharing with police](#). *Daily Memphian*.
- *Allison, N. (2020, May 11). [Rare bipartisan agreement: TN Republicans, Democrats raise concerns over sharing COVID-19 patient data with police](#).
- *Osborne, M. (2020, May 13). [Gov. Lee may reverse his decision to share COVID-19 data with first responders](#). *WMOT*. "Lee told reporters Tuesday he made the decision to share data on quarantined Tennesseans in an effort to protect the health of police and EMTs. He noted that, at the time, the state didn't have enough masks and other protective gear to keep first responders safe. The governor says he'll reconsider the policy now that protective equipment is more widely available."

Virginia (D)

Issuing authority: Virginia Department of Health

→ [Guidance to local health district directors](#)

Information disclosed: Name, address, and telephone number of individuals with COVID-19

Dispersing entity: Local health districts

Receiving entity: 911 dispatch centers

Jurisdiction: Local health district

Form of disclosure: Local health departments distribute the names, addresses and telephone numbers of residents with lab-confirmed cases of COVID-19 to a "single local government point of contact" — often a city

manager or chief administrative officer. That contact is then responsible for passing the information to local 911 dispatch centers, where operators can provide the information to first responders.

Confidentiality: N/A

Data retention: N/A

Effective date: March 29, 2020

Source:

- Virginia Department of Health. [Guidance to local health district directors](#), March 29, 2020.

Wisconsin (D)

Issuing authority: Governor Tony Evers

- **Order:** [EMERGENCY ORDER #19 Appropriate Use Of COVID-19 Information by Law Enforcement Agencies, First Responders, and Public Safety Workers](#)

Information disclosed: Addresses of people testing positive for COVID-19

Dispersing entity: Local health officers

Receiving entity: Local health officers report the addresses of positive COVID-19 cases to dispatch centers

Jurisdiction: Geographic area of local health officers

Form of disclosure: N/A

Confidentiality: Information is only shared by dispatch to first responders called to a specific address for a legitimate purpose of public safety. All persons shall ensure the information is maintained confidentially and is only made available to those operating emergency response and law enforcement services. Except in a life-threatening emergency, information shall not be disseminated over any channel of communication that could be actively monitored by the public or unwanted entities.

Data retention: Limited to the duration of the emergency declaration.

Effective date: April 2, 2020

Source:

- Governor Evers. [EMERGENCY ORDER #19 Appropriate Use Of COVID-19 Information by Law Enforcement Agencies, First Responders, and Public Safety Workers](#), April 2, 2020.