

Providing Names of COVID-19 Positive Patients to Authorities

There may be occasions when a public health official or someone in law enforcement will request you to divulge the name of a patient who is COVID-19 positive. The U.S. Office for Civil Rights (OCR) has published guidance on when you can divulge this information without the patient's express authorization under HIPAA.

[Guidance published by the Office for Civil Rights on March 24, 2020](#), includes several examples of situations where HIPAA would not require patient authorization, such as:

- Disclosure for treatment, such as to emergency medical transport personnel who will provide treatment while transporting the individual to the hospital.
- Disclosure required by law, such as a disclosure under a state law requiring reporting infectious disease to public health official.
- Disclosure to public health authorities to prevent or control the spread of disease, such as notifying an agency authorized by law to receive protected health information to prevent or control disease (this may include the Centers for Disease Control or a state, tribal, local, or territorial public health department).
- Disclosure to a first responder conducting a public health investigation who may have been exposed to COVID-19, or who may be at risk of contracting or spreading COVID-19, as long as applicable law (e.g., state law) authorizes the dental practice to notify persons as necessary in the conduct of public health intervention or investigation.
- Disclosure to prevent or lessen a serious and imminent threat to the health and safety of a person or the public, such as disclosures to fire department personnel, child welfare workers, mental health crisis services personnel, or others who are charged with protecting the health or safety of the public.

The dental practice must make reasonable efforts to limit the shared information to the "minimum necessary" for the purpose of the disclosure, except for disclosures made for treatment purposes and disclosures required by law. Practices should also be sure to comply with any state law that may be more stringent than HIPAA.

OCR Resources:

- [OCR Issues Guidance to Help Ensure First Responders and Others Receive Protected Health Information about Individuals Exposed to COVID-19](#), March 24, 2020
- [COVID-19 and HIPAA: Disclosures to law enforcement, paramedics, other first responders and public health authorities](#)

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