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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH REGARDING THE SHARING OF CRITICAL INFORMATION WITH FIRST RESPONDERS

On March 10, 2020, Governor Charles D. Baker declared a state of emergency in the Commonwealth to respond to the spread of COVID-19. On March 11, 2020, in view of the grave threat that the spread of COVID-19 presents to the public health, the Public Health Council authorized and directed me to act pursuant to G. L. c. 17, § 2A and to take all appropriate actions, incur such liabilities, and establish such rules, requirements, and procedures necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth.

As of March 17, 2020, 218 cases of COVID-19 were reported by the Department of Public Health, with 10 of the 14 counties in the Commonwealth impacted, and all indications are that the number of cases continues to grow. The escalating COVID-19 public health emergency has begun and will continue to produce an extraordinary demand on the Commonwealth's first responders.

Accordingly, pursuant to the authority granted by G. L. c. 17, § 2A and with the approval of the Governor and the Public Health Council, and in order to ensure effective and continued operation of public health and safety services during the state of emergency based on the assessment of need by the Secretary of the Executive Office of Public Safety and Security and local first responders, I hereby issue the following Order:

Local boards of health shall disclose to the official with the responsibility for administering the response to emergency calls in their jurisdiction (Receiving Entity) 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.

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.

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

All applicable statutes, regulations and guidance not inconsistent with this Order remain in effect.

This Order is effective immediately and shall remain in effect until the state of emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.

Monica Bharel, MD, MPH
Commissioner, Massachusetts Department of Public Health

March 18, 2020