STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER NO. 20-15
CORONAVIRUS— HEALTH INFORMATION DISCLOSURES

WHEREAS, a state of emergency was declared in Nebraska on March 13, 2020, to control the spread of the coronavirus known as COVID-19;

WHEREAS, social distancing and deliberately increasing the physical space between people decreases the likelihood of transmitting COVID-19;

WHEREAS, Nebraska's first responders, including but not limited to paramedics and emergency medical technicians, may have contact with persons who have tested positive for COVID-19 in the course of performing their duties;

WHEREAS, family members, friends, and others involved in an individual's care, as well as members of the general public, may also have contact with persons who have tested positive for COVID-19;

WHEREAS, Nebraska statutes and regulations require that reports of cases of communicable diseases be made in such a way as to ensure that an individual's identity cannot be ascertained, even if only through indirect and openly accessible information;

WHEREAS, the federal Health Insurance Portability and Accountability Act is less restrictive than Nebraska law and permits the disclosure of identifiable health information to first responders who may be at risk of infection; and

WHEREAS, the federal Health Insurance Portability and Accountability Act also permits the disclosure of identifiable health information to family, friends, others involved in an individual's care and anyone who is in a position to prevent and lessen a serious and imminent threat to the health and safety of a person or the public.

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NOW THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, hereby issue this suspension of specific state statutes and their implementing regulations to ensure that first responders and other affected individuals, including members of the public, can be adequately informed in order to lessen the serious threat of COVID-19 to the public health and safety of all Nebraskans.

Pursuant to this declaration, I hereby order and direct the following:

1. The provisions of Neb. Rev. Stat. § 71-503.01(1),(2), & (3) and its implementing regulations which prohibit the disclosure of reports or information about cases of communicable diseases in such a way that an individual's identity could be ascertained are temporarily suspended **solely** in order to permit the Department of Health and Human Services and the local public health departments to use or disclose identifiable health information when they have a good faith belief that such use or disclosure would prevent and lessen a serious and imminent threat to the health or safety of a person or the public arising from or related to COVID-19; and

2. The Nebraska Department of Health and Human Service shall establish and publish guidance and information regarding when and how reports and information about cases of communicable diseases may be used and disclosed so that individually identifiable health information is limited to the minimum information necessary for the purpose of preventing and lessening a serious and imminent threat to the health or safety of a person or the public arising from or related to COVID-19; and

3. This Executive Order shall become effective immediately and shall remain in effect until 30 days after the lifting of the COVID-19 state of emergency.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 7th day of April, 2020.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen,
Secretary of State
State of Nebraska