



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 20-2378, **Version:** 1

PROPOSED RESOLUTION

A RESOLUTION TO SHARE ADDRESSES FOR EMERGENCIES (SAFE) WITH FIRST RESPONDERS

WHEREAS, COVID-19 is widespread across Illinois and the safety of our health care workers, first responders, and law enforcement partners are of great importance; and

WHEREAS, we are grateful for the dedication provided by these front-line responders and their commitment to help others and take seriously the need to ensure their safety; and

WHEREAS, we must continue to work together with our federal and state partners to provide personal protective equipment (PPE) to help fight the spread of COVID-19; and

WHEREAS, the Cook County Department of Emergency Management and Regional Security (DEMRS) has, as of April 9, 2020, distributed 659,524 pieces of PPE; and

WHEREAS, the County understands that access to testing is limited, many residents may be asymptomatic, and many who have tested positive for COVID-19 are no longer contagious, therefore it may not be possible at this time to identify every individual who is positive for COVID-19; and

WHEREAS, the Illinois Department of Public Health (IDPH) released guidelines for use of PPE by first responders to safeguard their wellbeing, including wearing PPE on all calls when possible, assessing risk at a distance of at least six feet before entering a home, minimizing patient contact, and limiting the number of providers in the patient compartment during transport; and

WHEREAS, PPE is often in short supply, difficult to attain, and artificially inflated in cost; and

WHEREAS, more can be done to provide for the safety of first responders as they perform their essential duties and keep the public safe and healthy; and

WHEREAS, confirming, even in a limited way, which first responders had contact with a particular infected person can contribute to the safety of all first-responders (their families) and those they serve; and

WHEREAS, both the U.S. Department of Health & Human Services and the Illinois Office of Attorney General (OAG) have determined that protected health information (PHI), such as home addresses, can be disclosed without Health Insurance Portability and Accountability Act (HIPAA) authorization when first responders may be at risk for an infection; and

WHEREAS, an April 3, 2020, OAG Memorandum concluded that Illinois law allows the disclosure of one's COVID-19 status to first responders, including non-law-enforcement first responders, for purposes of protecting these workers and preventing the further spread of the virus; and

WHEREAS, the Cook County State's Attorney Office confirms that, "federal law clearly allows for the disclosure of a person's COVID-19 status for purposes of protecting the spread of a communicable disease," and "adopt[s] the reasoning of the OAG in concluding that state law also allows this disclosure to first responders."

WHEREAS, neighboring counties and counties across the state are releasing information about COVID-19 cases to first responders; and

WHEREAS, the McHenry County Health Department was ordered by the 22nd Judicial Circuit Court to disclose the names and addresses of all individuals that reside within McHenry County that are positive for COVID-19 to the McHenry County Emergency Telephone System Board for use by all police officers in McHenry County; and

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners as the Board of Health directs the Cook County Department of Public Health (CCDPH) to temporarily share the address information of confirmed COVID-19 positive patients received from the Illinois Department of Public Health with applicable municipal first responders via the PSAP (Public Safety Answering Point) dispatch system in Cook County, on a daily basis, in an effort to further ensure the safety of residents and first responders alike; and

BE IT FURTHER RESOLVED, that this information be disseminated to first responders for the sole purpose of awareness of necessary medical precautions to take when responding to an emergency at an address of confirmed COVID-19 positive patients and should be used in tandem with IDPH guidelines for first responders; and

BE IT FURTHER RESOLVED, that all efforts be made to ensure CCDPH communicates such information in the most minimal means necessary and in such a way to mitigate potential impacts of such disclosures and secure the confidentiality of patient information and patient privacy, in compliance with the Health Insurance Portability and Accountability Act (HIPAA), including but not limited to requiring execution of a Memorandum of Understanding (MOU) with any agency receiving such information; and

BE IT FURTHER RESOLVED, the information disclosed pursuant to this Resolution shall be purged by the receiving entities as required by CCDPH's MOU; and

BE IT FURTHER RESOLVED, that this information be distributed for a period of 60 days, at which time the Board of Commissioners, as the Board of Health may decide to extend the period of dissemination in 30-day increments. The length of time this information will be shared is to be decided by the number of cases in Cook County and across the state; and

BE IT FURTHER RESOLVED, that the MOU drafted by CCDPH will include language on the proper usage and disclosure of this information; and

BE IT FURTHER RESOLVED, that once the COVID-19 pandemic has subsided and the protected health information (PHI) for COVID-19 positive patients is no longer needed, the record will be disbanded and no longer shared.