



**COLORADO**

**Department of Public  
Health & Environment**

---

**Public health authority:** an agency or authority of the United States government, a State, a territory, a political subdivision of a State or territory, or Indian tribe that is responsible for public health matters as part of its official mandate, as well as a person or entity acting under a grant of authority from, or under a contract with, a public health agency. (45 CFR 164.501)

**Covered entity:** a health plan, a health care clearinghouse, a health care provider who transmits any health information in electronic form in connection with a transaction. (45 CFR 160.103)

Most state and local public health agencies have designated the business functions that they conduct to either fall under the “public health authority” or “covered entity” provisions of HIPAA. When conducting work as a public health authority, state and local public health agencies *are not* bound by the HIPAA Privacy and Security Laws.

---

**Can state and local public health agencies share protected health information (PHI) about COVID-19 patients with law enforcement, paramedics, and other first responders?**

- Yes. When conducting work as a public health authority, state and local public health agencies can share PHI about COVID-19 patients with law enforcement, paramedics, and other first responders. It is *recommended* that the “minimum necessary” PHI be disclosed to accomplish the intended purpose of the disclosure.

**Can covered entities share PHI about COVID-19 patients with law enforcement, paramedics, other first responders, and public health authorities?**

- Yes. On March 24, 2020, the Office for Civil Rights issued guidance on how covered entities may disclose PHI about an individual who has been infected with or exposed to COVID-19 to law enforcement, paramedics, other first responders, and public health authorities under the following circumstances:<sup>1</sup>
  - When needed to provide treatment;
  - When required by law. Colorado Board of Health Rule 6 CCR 1009-1, *Epidemic and Communicable Disease Control* requires all severe or novel coronavirus, including severe acute respiratory syndrome coronavirus (SARS-CoV) such as coronavirus (COVID-19) be reported immediately to CDPHE by laboratories, healthcare providers, or other persons knowing of or suspecting a case (e.g., coroners, hospital staff, and school staff);
  - When notifying a public health authority in order to prevent or control spread of disease;
  - When first responders may be at risk for an infection;
  - When disclosure is necessary to prevent or lessen a serious and imminent threat; and
  - When responding to a request for PHI by a correctional institution or law enforcement official having lawful custody of an inmate or other individual.

---

<sup>1</sup> Disclosures to law enforcement, paramedics, other first responders and public health authorities  
<https://www.hhs.gov/sites/default/files/covid-19-hipaa-and-first-responders-508.pdf>



**COLORADO**  
Department of Public  
Health & Environment

---

Except when required by law or requested by a healthcare provider for treatment, a covered entity is required to make reasonable efforts to disclose the “minimum necessary” PHI to accomplish the intended purpose for the disclosure. (45 CFR 164.502(b))