

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1110 Session of 2020

INTRODUCED BY K. WARD, PHILLIPS-HILL, COLLETT, REGAN, MARTIN, BAKER, STEFANO, ARGALL, BROOKS, DiSANTO, DINNIMAN, MASTRIANO, KILLION AND ARNOLD, APRIL 13, 2020

AS AMENDED ON THIRD CONSIDERATION, APRIL 29, 2020

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),
2 entitled "An act providing for the prevention and control of
3 communicable and non-communicable diseases including venereal
4 diseases, fixing responsibility for disease prevention and
5 control, requiring reports of diseases, and authorizing
6 treatment of venereal diseases, and providing for premarital
7 and prenatal blood tests; amending, revising and
8 consolidating the laws relating thereto; and repealing
9 certain acts," further providing for definitions and, FOR <--
10 REPORTS AND for confidentiality of reports and records.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 2 of the act of April 23, 1956 (1955
14 P.L.1510, No.500), known as the Disease Prevention and Control
15 Law of 1955, is amended by adding a definition DEFINITIONS to <--
16 read:

17 Section 2. Definitions.--

18 The following terms, whenever used in this act, have the
19 meanings indicated in this section, except where the context
20 indicates a clearly different meaning:

21 * * *

1 (M) HEALTH CARE FACILITY. AS DEFINED IN SECTION 103 OF THE <--
2 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
3 FACILITIES ACT.

4 ~~(m)~~ (N) Individually identifiable health information. <--
5 Information, whether oral, written, electronic, visual,
6 pictorial, physical or in any other form, that relates to an
7 individual's past, present or future physical health status,
8 condition, treatment, service, products purchased or provision
9 of care and:

10 (1) reveals the identity of the individual whose health care
11 is the subject of the information; or

12 (2) serves as a reasonable basis to reveal the identity of
13 the individual whose health care is the subject of the
14 information, alone or in conjunction with other information that
15 is or reasonably should be known to be available.

16 (O) PERSONAL CARE HOME. AS DEFINED UNDER SECTION 1001 OF THE <--
17 ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN
18 SERVICES CODE.

19 Section 1.1. ~~Section~~ SECTIONS 4 AND 15 of the act ~~is~~ ARE <--
20 amended to read:

21 SECTION 4. REPORTS.-- <--

22 (A) EVERY PHYSICIAN WHO TREATS OR EXAMINES ANY PERSON WHO IS
23 SUFFERING FROM OR WHO IS SUSPECTED OF HAVING A COMMUNICABLE
24 DISEASE, OR ANY PERSON WHO IS OR WHO IS SUSPECTED OF BEING A
25 CARRIER, SHALL MAKE A PROMPT REPORT OF THE DISEASE IN THE MANNER
26 PRESCRIBED BY REGULATION TO THE LOCAL BOARD OR DEPARTMENT OF
27 HEALTH WHICH SERVES THE MUNICIPALITY WHERE THE DISEASE OCCURS OR
28 WHERE THE CARRIER RESIDES OR TO THE DEPARTMENT IF SO PROVIDED BY
29 REGULATION.

30 (B) THE DEPARTMENT OR LOCAL BOARDS OR DEPARTMENTS OF HEALTH

1 MAY REQUIRE THE HEADS OF HOSPITALS AND OTHER INSTITUTIONS, THE
2 DIRECTORS OF LABORATORIES, SCHOOL AUTHORITIES, THE PROPRIETORS
3 OF HOTELS, ROENTGENOLOGISTS, LODGING HOUSES, ROOMING HOUSES OR
4 BOARDING HOUSES, NURSES, MIDWIVES, HOUSEHOLDERS, AND OTHER
5 PERSONS HAVING KNOWLEDGE OR SUSPICION OF ANY COMMUNICABLE
6 DISEASE, TO MAKE A PROMPT REPORT OF THE DISEASE IN A MANNER
7 PRESCRIBED BY REGULATION TO THE LOCAL BOARD OR DEPARTMENT OF
8 HEALTH WHICH SERVES THE MUNICIPALITY WHERE THE DISEASE OCCURS,
9 OR TO THE DEPARTMENT IF SO PROVIDED BY REGULATION.

10 (C) LOCAL BOARDS OR DEPARTMENTS OF HEALTH SHALL MAKE REPORTS
11 OF THE DISEASES REPORTED TO THEM TO THE DEPARTMENT AT SUCH TIMES
12 AND IN SUCH MANNER AS SHALL BE PROVIDED FOR BY REGULATION.

13 (D) EVERY PHYSICIAN OR EVERY PERSON IN CHARGE OF ANY
14 INSTITUTION FOR THE TREATMENT OF DISEASES SHALL BE AUTHORIZED,
15 UPON REQUEST OF THE SECRETARY, TO MAKE REPORTS OF SUCH DISEASES
16 AND CONDITIONS OTHER THAN COMMUNICABLE DISEASES WHICH IN THE
17 OPINION OF THE ADVISORY HEALTH BOARD ARE NEEDED TO ENABLE THE
18 SECRETARY TO DETERMINE AND EMPLOY THE MOST EFFICIENT AND
19 PRACTICAL MEANS TO PROTECT AND TO PROMOTE THE HEALTH OF THE
20 PEOPLE BY THE PREVENTION AND CONTROL OF SUCH DISEASES AND
21 CONDITIONS OTHER THAN COMMUNICABLE DISEASES. THE REPORTS SHALL
22 BE MADE UPON FORMS PRESCRIBED BY THE SECRETARY AND SHALL BE
23 TRANSMITTED TO THE DEPARTMENT OR TO LOCAL BOARDS OR DEPARTMENTS
24 OF HEALTH AS REQUESTED BY THE SECRETARY.

25 (E) IN ADDITION TO THE THE REQUIREMENTS UNDER THIS SECTION,
26 DURING A PROCLAMATION OF DISASTER EMERGENCY ISSUED BY THE
27 GOVERNOR THAT IS BASED UPON A COMMUNICABLE DISEASE, ANY
28 ADMINISTRATOR OF A HEALTH CARE FACILITY OR A PERSONAL CARE HOME
29 WHO HAS KNOWLEDGE THAT A PATIENT OR RESIDENT IS SUFFERING FROM A
30 COMMUNICABLE DISEASE RELATED TO THE DISASTER EMERGENCY SHALL

1 MAKE A PROMPT REPORT OF THE DISEASE IN THE MANNER PRESCRIBED BY
2 REGULATION TO THE LOCAL BOARD OR DEPARTMENT OF HEALTH WHICH
3 SERVES THE MUNICIPALITY WHERE THE PATIENT OR RESIDENT RESIDES OR
4 TO THE DEPARTMENT IF SO PROVIDED BY REGULATION.

5 Section 15. Confidentiality of Reports and Records.--

6 (a) State and local health authorities may not disclose
7 reports of diseases, any records maintained as a result of any
8 action taken in consequence of such reports, or any other
9 records maintained pursuant to this act or any regulations, to
10 any person who is not a member of the department or of a local
11 board or department of health, except [where necessary to carry
12 out the purposes of this act.] as follows:

13 (1) Where necessary to carry out the purposes of this act.

14 (2) Under a proclamation of disaster emergency issued by the
15 Governor that is based upon a communicable disease, the
16 secretary or local health authority shall release, within 24
17 hours of receiving information of a confirmed case of a
18 communicable disease, individually identifiable health
19 information related to the communicable disease to 911 centers,
20 law enforcement officers, fire department personnel, coroners
21 and emergency medical services personnel, in each county of this
22 Commonwealth. 911 centers, law enforcement officers, fire
23 department personnel, coroners and emergency medical services
24 personnel shall follow all applicable Federal and State laws,
25 regulations and confidentiality standards.

26 (b) State and local health authorities may permit the use of
27 data contained in disease reports and other records, maintained
28 pursuant to this act, or any regulation, for research purposes,
29 subject to strict supervision by the health authorities to
30 insure that the use of the reports and records is limited to the

1 specific research purposes.

2 Section 2. This act shall take effect immediately.