

Attachment 2

Public Health Powers

I. Investigation:

- A. State and local departments have statutory authority to “investigate and control the causes of epidemic and communicable disease affecting the public health. C.R.S. 25-1.5-102(1)(a) and 25-1-506(1)(b).

II. Reporting:

- A. The State Board of Health has authority to require reports of dangerous diseases to public health officials.
- B. Public Health can access medical records relating to such diseases.
- C. See C.R.S. 25-1.5-102(1)(a)(II) and 25-1-122

III. Information Sharing:

- A. Generally, reports and records resulting from an investigation of disease are confidential and not subject to release. C.R.S. 25-1-122(4)
- B. However, the statute allows release to law enforcement “to the extent necessary for any investigation or prosecution related to bioterrorism.”
- C. The statute also conditions the release by requiring that “reasonable efforts shall be made to limit disclosure of personal identifying information to the minimal amount necessary to accomplish the law enforcement purpose.”

IV. Federal Privacy Law:

- A. The Health Insurance Portability and Accountability Act of 1996 (HIPPA) prohibits disclosure of individually identifiable health information.
- B. HIPPA permits disclosures to public health authorities. 45 CFR 164.512(b)
- C. HIPPA also permits disclosures required by state law. 45 CFR 164.512(a)
- D. Once the medical information is reported to public health, HIPPA no longer applies to further disclosure.
- E. Information sharing with law enforcement under C.R.S. 25-1-122(4)(e) does not violate HIPPA.

V. Isolation and Quarantine:

- A. CDPHE has statutory authority to “establish, maintain and enforce isolation and quarantine... and to exercise such physical control over property and the persons of the people within this state...” C.R.S. 25-1.5-102(1)(c)
- B. Local Health departments have the same authority. C.R.S. 25-1-506(c).

VI. Quarantine Enforcement Sequence:

- A. Verbal order requesting voluntary compliance
- B. Written administrative order given to specific individuals to stay in a specific place for a period of time.
- C. If a person does not comply with written order, then health officials may seek a court order requiring compliance. C.R.S. 25-1-112 and 512
- D. Disobeying a health department order is also a misdemeanor criminal offense. C.R.S. 25-1-114(4) and 514(4)