

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, RATH, TODARO, AND MILLS**

Re: A resolution directing the Erie County Health Department to release information on COVID-19 outbreaks at Nursing Homes

WHEREAS, trust in government is essential for effective and efficient policy making in good times and in bad. Right now, the government is demanding residents wear masks, slow or shutter their businesses, avoid social contact, and take additional extraordinary measures to reduce the spread of COVID-19. It is difficult for residents to maintain their faith in government that these measures are effective and necessary to save lives when the government is picking and choosing whether or not to share relevant information, such as presence and location of COVID-19 infection; and

WHEREAS, Erie County's Health Department has been secretive when it comes to details of infections at nursing homes in Erie County despite the fact that having access to more information regarding COVID-19 helps residents to be safer and more diligent about preventing the spread of COVID-19, as the Health Department has shown with contact tracing; and

WHEREAS, informing the public helps to both maintain public trust and limit the spread of COVID-19. Publicizing information on nursing home infections holds the nursing home operators accountable for their facility, provides residents peace of mind about loved ones residing at nursing homes, and alerts the public to what could be a potential risk of infection to the community thereby allowing residents to take the proper precautions; and

WHEREAS, the Erie County Health Department has hidden behind the Health Insurance Portability and Accountability Act (HIPPA) to defend their lack of transparency; and

WHEREAS, Many New York counties, including other Western New York Counties, have been far more transparent and have provided the public with the name of the facility and the number of infected residents. It is unacceptable that Erie County maintain a heightened level of secrecy when it comes to information related to COVID clusters in nursing homes.

WHEREAS, releasing nonspecific information is not a HIPPA violation; and

WHEREAS, the New York State Department of Health acknowledged to the Buffalo News on October 29th that the Erie County Health Department is allowed to release information "provided that notification does not contain personally identifiable or protected health information".

NOW, THEREFORE, BE IT

RESOLVED, this honorable body hereby acknowledges the importance of transparency when dealing with matters of public health; and, be it further

RESOLVED, that this honorable body finds no HIPPA regulations which would prohibit the sharing of infection rate and numbers as they occur in Erie County nursing homes; and, be it further

RESOLVED, that this honorable body hereby directs the Erie County Health Department to release information that identifies when a nursing home suffers a COVID-19 outbreak, the number of individuals at the nursing home that are infected, the number of total nursing home residents, and the suspected source of the outbreak; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Erie County Health Department, the Erie County Executive Mark Poloncarz, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution