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City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

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ORDER OF THE COMMISSIONER OF HEALTH OF THE CITY OF CHICAGO No. 2020-4 - AMENDED AND RE-ISSUED

(MEDICAL DATA-SHARING REQUIREMENTS)

Issued and Effective: January 15, 2021

WHEREAS, The Municipal Code of Chicago ("Code") authorizes the Commissioner of Health of the City of Chicago to implement emergency measures to stop the spread of communicable diseases, and to protect the health, safety, and welfare of the City's residents, including but not limited to authority granted in Sections 2-112-030, 2-112-080, and 2-112-160(a)(4) of the Code; and

WHEREAS, COVID-19 is a communicable disease that presents an extraordinarily severe and unprecedented threat to the residents of Chicago. It is necessary and appropriate for the Commissioner of Health to take immediate measures to protect the health, safety, and welfare of the City's residents; and

WHEREAS, The Chicago Department of Public Health ("CDPH") is a public authority authorized pursuant to Code Sections 2-112-150(c), 2-112-160(a)(7) and 2-112-160(a)(9) to request, collect, receive and maintain confidential information, records and data, including protected health information ("PHI") consistent with 77 Ill. Adm. Code 690.200(d)(6) and the Health Insurance Portability and Accountability Act ("HIPAA") Privacy Standards for the purpose of preventing or controlling disease; now, therefore,

The Commissioner of Health of the City of Chicago hereby orders as follows:

SECTION 1. (a) All acute care and long-term hospitals located within the City of Chicago shall provide to the Commissioner of Health or her designee ("Commissioner") access to such electronic health records and other data as the Commissioner may require, in such forms and formats and pursuant to schedules that the Commissioner shall reasonably specify through written guidelines, with the goal of enabling CDPH, either directly or indirectly with or through a designated third party, to accurately monitor and interpret COVID-19-related medical information and efficiently and effectively direct the City-wide response.

b) The data required by this section shall include patient impact and hospital capacity elements as set forth in <https://www.cdc.gov/nhsn/pdfs/covid19/import-covid19-data-508.pdf>, provided in such forms and formats and pursuant to schedules that the Commissioner shall reasonably specify through written guidelines.

c) In this Order, the Commissioner declares that Continuity of Care Documents, as regulated by the Office of the National Coordinator for Health Information Technology ("CCDS 2015 Edition"), are "minimum data necessary" for purposes of meeting HIPAA's privacy rule.

SECTION 2. Any health care provider located within the City of Chicago that provides COVID-19-related testing, vaccinations, or clinical care shall provide to the Commissioner such ~ demographic data regarding individuals tested, vaccinated, or cared for as the Commissioner may require, in such forms and formats and pursuant to schedules that the Commissioner shall

reasonably specify through written guidelines, including by way of example and not limitation, gender, race, ethnicity, date of birth or other indicia of age, and such other demographic-based clinical information that the Commissioner deems relevant and necessary.

SECTION 3. (a) Under the above-cited authority, this Order has the force of law and disclosures of PHI under this Order are required by law consistent with 45 C.F.R. 164.512(a).

(b) Individually identifiable health information, as that term is defined at 45 C.F.R. 160.103, collected under this Order shall be used only for public health purposes.

SECTION 4. In addition to any other penalty provided by law, any person who violates this Order shall be subject to the fines set forth in Section 2-112-340 of the Code.

SECTION 5. This Order shall remain in effect until the Commissioner of Health makes a written determination that the threat to public health posed by COVID-19 has diminished to the point that this Order can be safely repealed.

Allison Arwady, M.D., Commissioner of Health of the City of Chicago

CITY OF CHICAGO DEPARTMENT OF PUBLIC
HEALTH

STANDARDS AND GUIDELINES -ORDER 2020-4 - UPDATED
JANUARY 15, 2021

The following standards and guidelines are issued pursuant to Sections 1 and 2 of Order of the Commissioner of Health No. 2020-4 (Medical Data-Sharing Requirements).

SECTION 1 of Order No.2020-4 provides:

a) All acute care and long-term hospitals located within the City of Chicago shall provide to the Commissioner of Health or her designee ("Commissioner") access to such electronic health records and other data as the Commissioner may require, in such forms and formats and pursuant to schedules that the Commissioner shall reasonably specify through written guidelines, with the goal of enabling CDPH, either directly or indirectly with or through a designated third party, to accurately monitor and interpret COVID-19-related medical information and efficiently and effectively direct the City-wide response.

b) *The data required by this section shall include patient impact and hospital capacity elements as set forth in <<https://www.cdc.gov/nhsn/pdfs/covid19/import-covid19-data-508.pdf>>. provided in such forms and formats and pursuant to schedules that the Commissioner shall reasonably specify through written guidelines.*

Guidance regarding Section 1:

1. The minimum frequency of data for the Continuity of Care Documents (CCD) data is once daily and shall include CCDs for all patients tested for COVID-19.
2. CCD data submissions for all patients tested for COVID-19 shall occur at the time the COVID-19 laboratory test

is resulted, include daily updates for admitted patients, as well as submission at the time of discharge for hospitalized patients.¹

3. The minimum update frequency of the hospital capacity data elements for hospitals is once daily.
4. The deadline to begin submission of these data at this frequency is May 6, 2020.
5. Technical guidelines on submission will continue to be updated and available to all facilities and available on the CDPH Health Alert Network Webpage.

SECTION 2 of Order No. 2020-4 provides:

Any health care provider located within the City of Chicago that provides COVID-19-related testing, vaccinations, or clinical care shall provide to the Commissioner such demographic data regarding individuals tested, vaccinated, or cared for as the Commissioner may require, in such forms and formats and pursuant to schedules that the Commissioner shall reasonably specify through written guidelines, including by way of example and not limitation, gender, race, ethnicity, date of birth or other indicia of age, and such other demographic-based clinical information that the Commissioner deems relevant and necessary.

Guidance regarding Section 2:

1. All health care providers shall collect at time of SARS-CoV-2 and COVID-19 testing and submit with all laboratory results the following information regarding the test subject: name, date of birth, race/ethnicity, phone number, provider name and number, whether the individual is hospitalized (Y/N/U), date of symptom onset (Date of onset), if the individual is a healthcare worker (Y/N/U), whether the individual lives or works in a long term care facility or other congregate setting (Y/N/U), and whether the individual works as a first responder (Y/N/U).

2. All health care providers that are unable to establish an electronic laboratory reporting feed to the Illinois National Electronic Disease Surveillance System ("I-NEDSS") shall use another electronic mechanism to submit such data, which may include a Health Level Seven (HL7) electronic data feed, or submit through an established Redcap electronic case submission form, as defined by CDPH. These submissions shall be completed within 24 hours of ordering a COVID-19 laboratory test, and within 24 hours of a laboratory result. To establish an HL7 feed, please reach out for assistance at: CDPHCovidDataHub@rush.edu <<http://rush.edu>>. A redcap case report form can be submitted at: <<https://redcap.dph.illinois.gov/survey/s/?s=2hfXMWJhXS>>.

3. All COVID-19 Vaccination Program Providers shall collect and submit, within 24 hours of vaccine administration, the following information to the Illinois Comprehensive Automated Immunization Registry Exchange ("I-CARE") regarding the vaccine recipient: name, date of birth, gender, race, ethnicity, address, and phone number. Providers shall also submit all additional data elements required by the CDC COVID-19 Vaccination Program Provider Agreement ("Agreement") and specified in the CDC COVID-19 Vaccine Administration Reporting Requirements ("CDC Reporting Requirements").

The CDC Reporting Requirements can be found at: <<https://www.cdc.gov/vaccines/covid-19/vaccination-provider-support.html>>.

Allison Arwady, Commissioner of Health of the City of Chicago