



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: August 13, 2020  
LAW DEPARTMENT: August 13, 2020  
RECORDS DEPARTMENT:

**TENTH SUPPLEMENTAL EMERGENCY REGULATION GOVERNING  
THE CONTROL AND PREVENTION OF COVID-19  
(SECOND MANDATORY DATA REPORTING ORDER)**

**WHEREAS**, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 *et seq.*, (the DCPA) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

**WHEREAS**, Section 6-202 of the Code specifically requires every person to provide “such information and reports to the Department [of Public Health] as may be required” under the Code or applicable regulations to “insure the proper control of communicable disease . . . .”; and

**WHEREAS**, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of the Commonwealth of Pennsylvania issued a Proclamation of Disaster Emergency; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

**WHEREAS**, on March 12, 2020, the City’s Board of Health by emergency regulation added COVID-19 to the City’s list of reportable and quarantinable diseases; and

**WHEREAS**, Sections 6-205 of The Philadelphia Code provide that the Department of Public Health may by order take such measures as are necessary to prevent the further spread of a communicable and quarantinable disease before the Board of Health is able to meet to promulgate regulations; and

**WHEREAS**, on March 26, 2020, the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19 (effective March 27, 2020), which, in pertinent part, expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

**WHEREAS**, COVID-19 case investigation involves identifying and investigating persons with confirmed or probable diagnoses of COVID-19; and

**WHEREAS**, COVID-19 contact tracing involves identifying, monitoring, and providing support to contacts of case investigation subjects believed to have been exposed to the virus, and is a necessary component of successfully preventing the spread of COVID-19, particularly as social and business activities increase; and

**WHEREAS**, COVID-19 can cause severe disease and death, particularly in older adult and other vulnerable populations, including those who suffer from high blood pressure, type 2 diabetes mellitus, heart disease, asthma, COPD, kidney disease, or a compromised immune system; and

**WHEREAS**, CDC guidance instructs health departments to prioritize case investigation and contact tracing activities based on, among other factors, risk for severe disease, which necessitates reporting of certain data, including data on certain underlying conditions; and

**WHEREAS**, on June 11, 2020, the Board of Health approved a “Sixth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Mandatory Data Reporting Order,” which adopted the Health Commissioner’s “Emergency Order Concerning Mandatory Reporting of Certain Data to Prevent the Spread of 2019 Novel Coronavirus (COVID-19),” which supplements the Department of Public Health’s Regulations Governing the Control of Communicable and Noncommunicable Diseases and Conditions on a temporary and emergency basis, specifically the requirements set forth in the Regulations Pertaining to the Control of the Infected Individuals, Contacts, and Environment for Each Reportable Disease with respect to COVID-19 to provide for enhanced data reporting in support of COVID-19 case management, contact tracing, and other COVID-19 control and prevention measures; and

**WHEREAS**, on August 13, 2020, the Health Commissioner issued a “Second Emergency Order Concerning Mandatory Reporting of Certain Data to Prevent the Spread of 2019 Novel Coronavirus (COVID-19)” (“Second Emergency Reporting Order”), which requires the reporting of requested information about workplace contact with a probable or confirmed COVID-19 positive case; and

**WHEREAS**, the Board of Health agrees with these determinations, and recognizes that timely and comprehensive COVID-19 data reporting in support of case management, contact tracing, and other control or prevention measures is necessary to limit the spread of COVID-19; and

**WHEREAS**, consistent with the foregoing, the Board hereby promulgates the below Tenth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Mandatory Data Reporting) to adopt the Health Commissioner’s August 13, 2020 Second Emergency Reporting Order, as a temporary regulation effective upon delivery to the Department of Records, while the remaining procedures and formalities of Section 8-407 are followed to promulgate these amendments as a permanent regulation; and

**NOW, THEREFORE**, the Board of Health hereby adopts the following regulation, effective immediately:

1. This Emergency Regulation supplements the Philadelphia Department of Public Health’s *Regulations Governing the Control of Communicable and Non-communicable Diseases*

*and Conditions* and its other emergency regulations governing the control and prevention of COVID-19.

2. The Board hereby fully adopts the Health Commissioner’s August 13, 2020 “Second Emergency Order Concerning Mandatory Reporting of Certain Data to Prevent the Spread of 2019 Novel Coronavirus (COVID-19),” which requires the reporting of requested information about workplace contact with a probable or confirmed COVID-19 positive case, and which is attached hereto, as Attachment A.

3. This Emergency Regulation shall be effective upon filing with the Department of Records and remain effective until expressly superseded or repealed by the Board at the conclusion of the COVID-19 emergency.

Attachment A



**CITY OF PHILADELPHIA**  
**DEPARTMENT OF PUBLIC HEALTH**

**SECOND EMERGENCY ORDER CONCERNING  
MANDATORY REPORTING OF CERTAIN DATA TO PREVENT THE SPREAD OF  
2019 NOVEL CORONAVIRUS (COVID-19)**

**WHEREAS**, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 *et seq.*, (the DCPA) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

**WHEREAS**, Section 6-202 of the Code specifically requires every person to provide “such information and reports to the Department [of Public Health] as may be required” under the Code or applicable regulations to “insure the proper control of communicable disease . . . .”; and

**WHEREAS**, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

**WHEREAS**, Section 6-205 of the Code authorizes the Department of Public Health to issue emergency orders to implement measures that are necessary to prevent the spread of disease when; and

**WHEREAS**, on March 12, 2020, the Philadelphia Board of Health approved an emergency amendment to its *Regulations Governing the Control of Communicable and Noncommunicable Diseases and Conditions* to, among other changes, add COVID-19 to the list of reportable and quarantinable diseases; and

**WHEREAS**, on March 26, 2020, the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19 (effective March 27, 2020), which expressly authorized the Health Commissioner to issue such additional orders as the Health Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

**WHEREAS**, COVID-19 case investigation involves identifying and investigating persons with confirmed or probable diagnoses of COVID-19; and

**WHEREAS**, COVID-19 contact tracing involves identifying, monitoring, and providing support to contacts of case investigation subjects believed to have been exposed to the virus, and is a necessary component of successfully preventing the spread of COVID-19, particularly as social and business activities increase; and

**WHEREAS**, effective case investigation and contact tracing require prompt cooperation from all parties involved, including in many cases the provision of essential data maintained by or accessible to employers; and

**WHEREAS**, timely and comprehensive COVID-19 data reporting is necessary for effective case management and contact tracing to limit the spread of COVID-19;

**NOW, THEREFORE**, I, Dr. Thomas A. Farley, Health Commissioner of the City of Philadelphia, in my capacity as head of the Philadelphia Department of Public Health and pursuant to all authority granted me under the Philadelphia Home Rule Charter, The Philadelphia Code, the Regulations of the Board of Health of the City of Philadelphia, and Pennsylvania laws and regulations, hereby **ORDER** as follows:

### **Section 1. Mandatory Compliance with COVID-19 Data Requests**

A. The Health Commissioner or a designee may issue a request to any business for information about workplace contact with a probable or confirmed COVID-19 positive case that the Health Commissioner determines, in good faith, is necessary or appropriate for the Department of Public Health to implement a control or prevention measure to limit the spread of COVID-19, including case investigation or contact tracing. Requests for information about individual workers or, to the extent not expressly prohibited by state or federal law, others who may have been exposed in the workplace (e.g., customers), who shall be identified by the request recipient based on their possible exposure to the virus that causes COVID-19 in a manner described in the request, may include:

- i. name;
- ii. phone number;
- iii. date of birth;
- iv. address;
- v. e-mail address;
- vi. details about the possible exposure, as requested; and
- vii. such other information requested the Health Commissioner

determines is necessary for efficient case management or contact tracing purposes, taking into consideration the time sensitivity of such control activities.

B. Upon receiving a written request from the Health Commissioner or a designee under this Section 1, the recipient shall immediately report to the Department of Public Health the information specified in the request in the form and manner specified in the request.

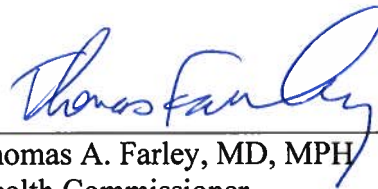
**Section 2. Confidentiality**

Any information obtained under this Order from which the identity of an individual could be determined, shall be confidential and shall not be subject to public disclosure or disclosure outside the Department except to the extent necessary for the Department to perform its obligations under the Disease Control and Prevention Act and the Department's associated regulations, including necessary contract tracing. All such confidential information will be maintained in a manner consistent with the confidentiality standards applicable to the Department's maintenance of case records as set forth at 28 Pa. Code § 27.5a.

**Section 3. Effective Date and Duration**

This Order shall be effective as of 11:59 PM on the date it is signed, and shall remain in effect indefinitely, until rescinded, superseded, or amended by further Order. Failure to comply with this Order shall result in the imposition of fines, penalties, and such other remedies as provided for by law.

Date: August 13, 2020



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Thomas A. Farley, MD, MPH  
Health Commissioner  
City of Philadelphia