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Are You Responsible for Reporting Coronavirus Cases?

As the novel coronavirus, COVID-19, continues to spread across the country, public health agencies will need to act quickly to identify and handle new cases and hot spots of the disease. Private businesses, including places of public accommodation, must be aware of any obligation they have to report confirmed or suspected cases of coronavirus to a public health authority, or other government authority, and develop an incident response plan to handle such an obligation.

For example, Colorado law requires reporting of certain specifically enumerated diseases that are potentially dangerous to public health, including “severe or novel coronavirus.” In addition, Colorado law further requires the reporting of any unusual illness, outbreak or epidemic of illnesses that may be of public concern, including cases of a newly recognized disease. Private business should be aware of any legal obligations they have to assist in this effort. Nevada has similar regulations.

However, the definition in the regulations of who must make such a report is exceedingly broad. The regulations require that any “health care provider or **other person knowing of or suspecting a case**” must report. “Other person” is defined to include, but is expressly not limited to, coroners, persons in charge of hospitals or other health care institutions, persons in charge of schools, and licensed day care centers. Because this list is illustrative and not exhaustive, arguably it should be read broadly to mean what it says—that “any person having knowledge” must make a report.

Additionally, beyond state law, private businesses must evaluate whether they have any reporting obligations under federal law—including under the Occupational Safety and Health Act (“OSHA”)—or under local or municipal law. Private businesses that operate in multiple jurisdictions should also be aware of any additional or different reporting obligations in each jurisdiction in which they operate.

Fundamentally, we are in an unprecedented time in which the public needs to be aware of cases of coronavirus to take appropriate measures to contain the spread of the disease.

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