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GOVERNOR

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LIEUTENANT GOVERNOR

June 8, 2020

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled “An Act to Ensure the Collection of COVID-19 Data.” The 2019 novel coronavirus, commonly known as COVID-19, has taken a tremendous toll on the lives of the residents of the Commonwealth. And that toll has been borne disproportionately by certain populations – communities of color and older residents of nursing homes and long-term care facilities. I commend the legislature on the passage of An Act Addressing COVID-19 Data Collection and Disparities in Treatment, which will allow for the collection and publication of even more data to understand the impact of COVID-19 on underserved and underrepresented populations and other groups. Since the beginning of the pandemic, my Administration has continued to provide and expand daily data reporting for the public that is transparent and comprehensive. The expanded data collection and task force in this bill will help build on these steps to address the health disparities affecting these communities.

While the new law makes clear that the Department of Public Health is required to collect data on COVID-19 cases and patient demographics, it does not codify the providers’ and laboratories’ responsibility to timely and completely report this data to the Department. The quality of the data reported by the Department is entirely dependent on the quality and completeness of the data that is submitted by healthcare providers and laboratories. To that end, this legislation amends the reporting law to make this responsibility clear, and to give the Department the power to issue fines if providers do not comply.

I am also proposing two other amendments to the law. The law currently requires that a list of designated elder care facilities report COVID-19 data about their residents and staff. While it makes sense to collect this data from the facilities that have access to their residents’ health information, like nursing homes and skilled nursing facilities, this law also imposes this obligation on housing complexes and rental units that merely offer housing to the elderly. These housing complexes and rental units have no role in health care or access to their tenants’ health information, and yet these private landlords will now be required by law to report on whether their residents have COVID-19, both to the Department of Public Health and to the other residents of the complex. This is problematic on a number of fronts. First, the information they

report is likely to be incomplete and misleading. Even more concerning is that these housing complexes will be encouraged to seek out the private health information of their residents, which, concerning in and of itself, could also lead to unfair discrimination against those with the disease. For these reasons, this legislation proposes to eliminate any obligation on these housing complexes to report COVID-19 data. Lastly, this legislation proposes an amendment that would allow the Department to aggregate the data where not doing so would violate federal law or an individuals' privacy right.

I want to reiterate my, along with the Department of Public Health's, support for this new law, and our commitment to collecting this data and using it to understand and address the health disparities our citizens have experienced. Because this legislation will enable us to do that, I urge its prompt enactment.

Respectfully submitted,

A handwritten signature in blue ink that reads "Charles D. Baker". The signature is written in a cursive style with a prominent initial "C" and a long horizontal stroke at the end.

Charles D. Baker  
Governor