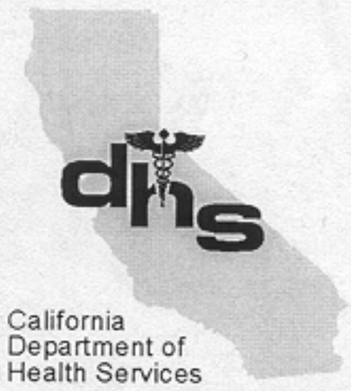
State of California—Health and Human Services Agency

Department of Health Services



California
Department of
Health Services

SANDRA SHEWRY
Director

ARNOLD SCHWARZENEGGER
Governor

DATE: April 17, 2006

TO: PROVIDERS OF HIV TESTING OR TREATMENT SERVICES

SUBJECT: NEW CALIFORNIA LAW REQUIRING HIV REPORTING BY NAME

This letter is to announce that Governor Arnold Schwarzenegger has signed into law Senate Bill 699 (Soto), which requires health care providers and laboratories to report cases of HIV infection by name to local health departments. The new law also requires local health departments to report unduplicated HIV cases using patient name to the California Department of Health Services (CDHS). The new reporting requirements took effect immediately upon the Governor's signature on April 17, 2006. In order to assist health care providers, laboratories, and local health departments in complying with the provisions of the new law, within 12 months CDHS will be implementing emergency regulations governing name-based HIV reporting. Although these regulations may not be available for a year, the law requiring reporting of HIV by name has been enacted and health care providers, laboratories, and local health departments must begin following the new requirements immediately.

Until the new regulations are in place, health care providers should continue to report confirmed HIV tests in accordance with the provisions of the California Code of Regulations, Title 17, Division 1, Chapter 4, Subchapter 1, Article 3.5, using California's HIV/AIDS Case Report Form, with the following exceptions:

- Health care providers will no longer be required to assign a Soundex code for a patient's surname or create a Non-Name Code to report HIV cases;
- Health care providers should now report confirmed HIV tests using the complete patient name to the local health department within seven calendar days of receiving a confirmed HIV test from a laboratory; and
- All test requisition forms accompanying any specimens transferred to a laboratory for HIV-related testing should now include the complete patient name.

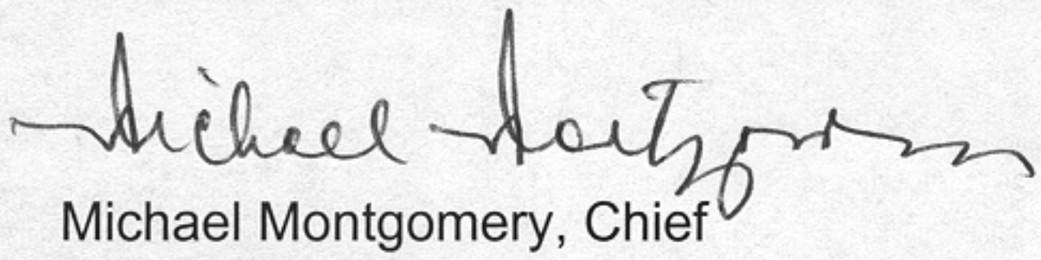
MS 7700, P.O. Box 997426, Sacramento, CA 95899-7426
MS 7700, 1616 Capitol Avenue, Suite 616, Sacramento, CA 95814
Telephone: (916) 449-5900 / Fax: (916) 449-5909
Internet Address: www.dhs.ca.gov/AIDS

Under the new law, enhanced civil and criminal penalties will be imposed for willful, malicious, or negligent disclosures of confidential HIV case information. Health care providers and facilities should routinely review and assess their internal data security and confidentiality policies and practices to ensure patient confidentiality during the exchange of individually identifiable information with the local health department. CDHS, Office of AIDS (OA), and local health department staff are available to assist health care providers in implementing the requirements of the new law and to provide technical assistance relating to data security.

OA has long-established data security procedures in place to ensure that HIV/AIDS public health records are handled with the utmost confidentiality. Any HIV case information reported under the new law with identifying or potentially identifying information is considered confidential and subject to federal and state standards for ensuring data security.

Information regarding the new reporting requirements will be available on the OA Web site (www.dhs.ca.gov/AIDS). For further assistance, please contact your local health department or Laura E. Lund, Chief, HIV/AIDS Case Registry, OA, at (916) 449-5866.

Please feel free to share this information with other interested parties.



Michael Montgomery, Chief
Office of AIDS