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: ALL INTERESTED PARTIES

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. The Office of AIDS (OA) and local health department staff are available to assist health care providers and laboratories in implementing the requirements of the new law. OA has already begun training and providing technical assistance to local health departments in the transition from code-based HIV reporting to a name-based system.

Confidential name-based HIV reporting is the Centers for Disease Control and Prevention's standard for ensuring accurate and complete reporting of HIV cases within states and territories. The shift to a confidential name-based HIV reporting system in California will allow the state to come into compliance with federal standards and remain competitive for federal funding for HIV/AIDS programs. A name-based HIV reporting system will enhance statewide efforts to track the HIV epidemic, monitor emerging trends in HIV transmission, and allocate HIV education, prevention, and care resources.

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Under the new law, enhanced civil and criminal penalties will be imposed for willful, malicious, or negligent disclosures of confidential HIV case information. To protect individual privacy and ensure the secure exchange of individually identifiable information pertaining to HIV case reports, OA is encouraging local health departments, health care providers, and laboratories to review their data security protocols, and upgrade confidentiality procedures as necessary. Additionally, OA staff will be available to provide technical assistance relating to data security and confidentiality.

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 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