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March 16, 2007

Office of Regulations  
California Department of Health Services  
PO Box 997413, MS 0015  
Sacramento, CA 95899-7413

Attention: Barbara Gallaway

I am writing to you to register significant concerns regarding portions of the Emergency HIV names reporting regulations that were filed with the Secretary of State's Office on January 8, 2007. Although these regulations are effective immediately and will remain in effect for at least 120 days, the California Conference of Local Health Officers (CCLHO) recommends changes to the emergency regulations prior to them becoming permanent. CCLHO has an advisory capacity to the California Department of Health Services (CDHS) and urges CDHS to produce public findings summarizing why CDHS would implement regulations, or parts thereof, contrary to the recommendations of the Conference.

CCLHO acknowledges that there remains sensitivity around this disease. CCLHO, itself, has struggled for many years to gain consensus on the reporting issue. It was only in the last few years that we came to agreement and decided to pursue legislation to implement HIV names reporting. CCLHO was a sponsor of SB 699. It was the intent of that legislation to regularize the reporting of HIV and to discontinue a difficult and complicated process that did not work well.

We want to be as clear as possible in our advice to the Department. It is important to encourage reporting and to make it easier for physicians and laboratories to report to the local health officers. In an environment where there are recommendations for expanded HIV screening, this is an opportunity to simplify the reporting requirements in order to have a better surveillance system. Below are suggestions that I believe would preserve the Office of AIDS' policy and still allow flexibility for the local jurisdiction.

A. change the wording of paragraph (1) on page 9 to read as follows:

(1) All reports containing personal information, including HIV/AIDS Case Reports shall be sent in a manner that preserves patient confidentiality. It is preferable if they are sent by courier service, US Postal Service Express or Registered mail, or other traceable mail or person to person transfer with the local Health Officer or his or her designee.

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B. Remove paragraph (2) from page 9 completely.

~~(2) The healthcare provider shall not submit reports containing personal information to the local health officer or his or her designee by electronic facsimile transmission or by electronic mail or by non-traceable mail~~

These changes may be sufficient to give the local jurisdictions the flexibility they need. Similar wording could be used on page 13 with reference to laboratory reporting, eliminating the prohibitions while strongly advocating for reporting in the format you prefer.

Sincerely,

*(Original signed by:)*

Glennah Trochet M.D.  
President, CCLHO