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: LABORATORIES APPROVED TO PERFORM HIV TESTING

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, laboratories 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, with the following exceptions:

- All test requisition forms accompanying any specimens transferred to laboratories for testing should now include the complete patient name;
- Laboratories will no longer be required to assign a Soundex code for a patient's surname or create a Partial Non-Name Code;
- Laboratories must now report results of confirmed HIV tests using 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

- Confirmed HIV tests must be reported to the health department with jurisdiction over the health care provider requesting the HIV-related test within seven calendar days of the confirmed HIV test date; and

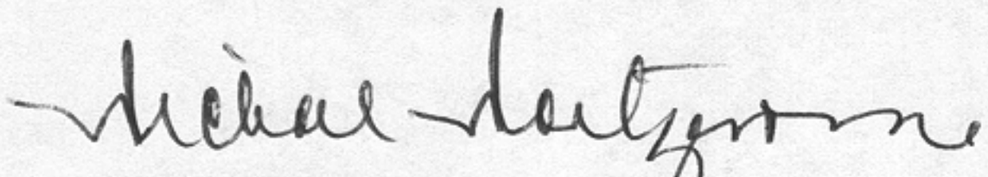
- Laboratories should also report confirmed HIV test results to the submitting health care provider using the complete patient name.

The Office of AIDS (OA) and local health department staff are available to assist laboratories in implementing the requirements of the new law. 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 with local health departments and health care providers, laboratories should review and assess data security protocols, and upgrade confidentiality procedures as necessary. OA will provide encryption software that meets federal encryption standards, which will be available for downloading at no cost from the OA Web site. Additionally, OA will provide technical assistance to laboratories regarding other data security measures.

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