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State of California—Health and Human Services Agency  
California Department of Public Health



ARNOLD SCHWARZENEGGER  
*Governor*

October 30, 2009

TO: DIRECTORS, CALIFORNIA CLINICAL AND PUBLIC HEALTH  
LABORATORIES PERFORMING CD4+ TESTING  
SURVEILLANCE COORDINATORS  
AIDS DIRECTORS  
SURVEILLANCE DIRECTORS  
HEALTH OFFICERS

SUBJECT: NEW CALIFORNIA LAW AMENDS CD4 REPORTING REQUIREMENTS

Governor Arnold Schwarzenegger signed into law Assembly Bill (AB) 1045 (Perez, Chapter 501, Statutes of 2009), which allows a clinical laboratory not to report a CD4+ T-cell test result to the local health officer (LHO), if the clinical laboratory can demonstrate that the CD4+T-cell test result is not related to a diagnosed case of HIV infection. This change in CD4+T-cell reporting requirements will take effect January 1, 2010.

AB 1045 provides greater flexibility for clinical laboratories that can identify CD4+T-cell tests that are not related to HIV, such as those used in rheumatology, hematology, and oncology. This will avoid unnecessary CD4+T-cell reporting and additional workload for laboratories and LHOs. AB 1045 impacts those laboratories that can identify CD4+ T-cell tests that are not HIV related.

Current California Health and Safety Code Section 121023 requires each clinical laboratory to report all CD4+ T-cell tests with available patient demographic information and laboratory testing information to LHOs within seven days of the completion of a CD4+ T-cell test. Upon receipt of a CD4+ T-cell test report, LHOs must determine whether or not the CD4+ T-cell test is related to a case of HIV infection. If the CD4+ T-cell test report is related to a case of HIV infection, LHOs must report the case of HIV infection, or AIDS if applicable, to the California Department of Public Health (CDPH).

CD4+ T-cell reporting facilitates HIV surveillance and helps capture additional unreported cases of HIV infection. This ensures that the CDPH, Center for Infectious Diseases, Office of AIDS (OA) as well as California's Ryan White Program-eligible local

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health jurisdictions remain competitive for federal funding. Reported HIV and AIDS cases are used in the federal funding formula utilized by the Health Resources and Services Administration, which administers the Ryan White HIV/AIDS Treatment Modernization Act of 2006.

For further assistance, please contact Mark Damesyn, Dr.P.H., Acting Chief, HIV/AIDS Case Registry Section, OA, at (916) 449-5827 or the HIV/AIDS surveillance coordinator at your local health jurisdiction. Please feel free to share this information with other interested parties. The full text of AB 1045 and its specific reporting requirements are available online at: [www.leginfo.ca.gov/](http://www.leginfo.ca.gov/) under "Bill Information." This guidance memo can also be found on OA's Web site at: [www.cdph.ca.gov/programs/AIDS](http://www.cdph.ca.gov/programs/AIDS).



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