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Senate Bill 249 Information Sheet 01-2014

New Laws to Assist Ryan White HIV/AIDS Program Clients to Access Health Coverage

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This is the first in a series of OA/CDPH information on Senate Bill (SB) 249.

Now in effect, 2014 law allows the Office of AIDS, California Department of Public Health (OA/CDPH) and our contractors, including ADAP enrollment workers who are employees of an organization with a signed ADAP enrollment site contract with OA, to share Ryan White HIV/AIDS Program (Ryan White) client data with “qualified entities” such as the Department of Health Care Services (DHCS), Covered California, and/or county health departments or their contractors delivering HIV or AIDS health care services under specified conditions. In addition, qualified entities can share HIV-related beneficiary data with OA/CDPH. The intent of this law is to assist Ryan White clients to access newly available Patient Protection and Affordable Care Act (health care reform) health plans. Ryan White data includes AIDS Drug Assistance Program (ADAP) client data.

The purpose of OA/CDPH and qualified entity data sharing is two-fold:

- 1) Enrollment of eligible Ryan White clients in a Medi-Cal or a Covered California health plan and
- 2) Continued Ryan White client access to those programs and plans without disruption.

What Does this Mean?

If certain conditions are met, an ADAP enrollment worker can share ADAP client data with a Covered California Certified Enrollment Counselor, or with a benefits counselor, case manager, or OA-Health Insurance Premium Payment Program (OA-HIPP) enrollment worker who is an employee or contractor of a Health Insurance and Portability and Accountability Act (HIPAA)-covered county health department delivering HIV or AIDS health care services, for the purpose of facilitating enrollment in and continuing access to a Medi-Cal or Covered California health plan. Facilitating enrollment in and continuing access to these programs without disruption includes sharing information to assist the client to choose the best available health plan for which they are eligible and can afford, taking into account all programs for which the client may be eligible, including Covered California, ADAP, and OA-HIPP.

OA/CDPH can share Ryan White client data with Covered California and/or DHCS to assist with eligibility determination for health care reform associated health plans and compliance with federal Health Resources and Services Administration (HRSA) payer of last resort policies.

A county health department delivering HIV/AIDS health care services and their employees and contractors may share HIV-related client data with other qualified HIPAA-covered entities for the purpose of ensuring access to a Covered California health plan (e.g., co-enrollment in the Covered California health plan and also in the OA-HIPP Program).

What is a qualified entity?

SB 249 requires a qualified entity to be a Health Insurance Portability and Accountability Act (HIPAA) covered entity and one of the following: DHCS, California Health Benefit Exchange (Covered California), a Medi-Cal managed care plan, Bridge Program plan, Covered California health plan, or a county health department delivering HIV or AIDS health care services.

A qualified entity is prohibited from further disclosing CDPH/OA Ryan White client data except to the person who is the subject of the record, the beneficiary's HIV care provider, and OA/CDPH.

How will OA/CDPH use Covered California or DHCS beneficiary data?

OA can use Covered California and/or DHCS beneficiary data to ensure it remains in compliance with state and federal laws that require Ryan White funds to be used as the payer of last resort.

What are the confidentiality protections?

SB 249 protects OA/CDPH shared Ryan White client data and Covered California or DHCS beneficiary HIV-related data from subpoena. Shared Ryan White and/or HIV-related Covered California/DHCS data will be protected under HIPAA, Confidentiality of Medical Information Act, and the Insurance Information and Privacy and Protection Act.

Background

Governor Edmund G. Brown, Jr. signed [SB 249](#) (see Section 5, Health and Safety Code 121026) into law which authorizes OA/CDPH and qualified entities, as defined, to share with each other health records involving HIV/AIDS diagnosis, care, and treatment related to a beneficiary enrolled in a Ryan White funded program and who may be eligible for services under health care reform. This bill also authorizes qualified entities who are HIPAA covered entities to share records only for the purpose of enrolling the beneficiary in specified programs and health coverage plans for the purpose of continuing access to these programs and plans without disruption. This bill prohibits the further disclosure of OA/CDPH Ryan White data by any qualified entity except to the person who is the subject of the record (e.g., client) or his/her guardian/conservator; the client's HIV health care provider; or OA/CDPH. This bill also includes definitions ("qualified entities", "contractor", and "provider of health care") and confidentiality protections.