

California Department of Public Health, Center for Infectious Diseases, Office of AIDS

Assembly Bill 2541 (Portantino, Chapter 470, Statutes of 2011)

HIV Reporting

February 2012

For the purpose of HIV reporting, California law, effective January 1, 2011, requires:

- **Laboratories** to submit an HIV report electronically in a manner specified by the California Department of Public Health (CDPH) in Health and Safety (H&S) Code Section 120130 (g).
- **Health care providers and local health officers** to submit HIV cases by courier service, U.S. Postal Service express mail or registered mail, other traceable mail, person-to-person transfer, facsimile, or electronically by a secure and confidential electronic reporting system established by CDPH in H&S Code Section 121022 (b).

Prior to Assembly Bill (AB) 2541 laboratories, health care providers, and local health officers (LHOs) could not *electronically* submit HIV case reports because the California Code of Regulations (Title 17, Sections 2643.5, 2643.10, and 2643.15) prohibited the electronic transmission of HIV case reports. AB 2541 overrides these regulatory prohibitions.

AB 2541 will:

- Facilitate the California Department of Public Health, Center for Infectious Diseases, Office of AIDS (OA) goals to attain complete HIV/AIDS data and secure the maximum amount of federal Ryan White HIV/AIDS Program and Centers for Disease Control and Prevention (CDC) funding.
- Enable the development of an integrated electronic communicable disease reporting system for California.
- Reduce manual procedures for HIV/AIDS reporting by providers, laboratories, and LHOs.

OA goals are to:

- Reduce the number of new HIV infections.
- Increase access for persons living with HIV infection to care, treatment, support, and prevention services.
- Reduce HIV-related health disparities.

Frequently Asked Questions:

- For HIV/AIDS reporting, can local health department (LHD) surveillance coordinators now fax or e-mail HIV surveillance information to OA?

- While AB 2541 permits faxing of HIV case reports, OA and CDC strongly discourage the faxing of HIV surveillance information, including case report forms and laboratory reports. AB 2541 does not include the use of e-mail for HIV reporting.
- For HIV/AIDS reporting, can LHD surveillance coordinators electronically transmit HIV surveillance data to OA?
 - OA has implemented a secure file transfer protocol (SFTP) for the transmission of HIV surveillance data between LHDs and OA. For example, SFTP is used to transfer data from the laboratory data entry tool to OA, surveillance data from OA to counties that have signed a data use agreement, and case check data.
OA is in the development phase of a HIV module for the California Reportable Disease Information Exchange (CalREDIE). CalREDIE is CDPH's electronic disease reporting and surveillance system and allows the electronic submission of disease reports by mandated reporters. Due to an unanticipated delays and resource shortages, implementation of the HIV modules has been delayed until mid-2012. At that time, those LHDs who are using CalREDIE to report other communicable diseases will be able to complete an electronic version of the HIV/AIDS Adult Case Report Form through CalREDIE and electronically submit it to OA. That data will then be uploaded directly into Enhanced HIV/AIDS Reporting Systems.
OA also anticipates that by mid-2012, CDPH will begin phasing in laboratories within CalREDIE jurisdictions for participation in electronic lab reporting through CalREDIE.
- Can HIV surveillance data be shared for other purposes?
 - AB 2541, under specified conditions, allows HIV surveillance data to be shared by a local or state public health department for the following specified reasons (see additional AB 2541 fact sheets and appendix):
 - HIV/tuberculosis (TB)/syphilis/gonorrhea/chlamydia co-infection reporting.
 - HIV/AIDS medical care and treatment.
 - HIV/TB/syphilis/gonorrhea/chlamydia co-infection medical care and treatment.
 - LHD surveillance staff may be asked to share HIV/AIDS surveillance information with state or local HIV case management, TB control or sexually transmitted disease control staff.
 - HIV/AIDS surveillance staff must ensure that appropriate data security and confidentiality safeguards are in place. Please refer to California H&S Code Sections 121022(f)-(i) and 121025 and CDC's *Data Security and Confidentiality Guidelines for HIV, Viral Hepatitis, Sexually Transmitted Disease, and Tuberculosis Programs: Standards to Facilitate Sharing and Use of Surveillance Data for Public Health Action* for legal requirements and best practices for protecting HIV/AIDS surveillance data.