



County of San Diego

HEALTH AND HUMAN SERVICES AGENCY

PUBLIC HEALTH SERVICES

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Public Health Laboratory
PH Nursing/Border Health
TB Control & Refugee Health
Vital Records

October 13, 2006

[Address]

Dear Colleague:

RE: SB 699 – HIV Reporting by Name

Legislation (SB 699), requiring the reporting of HIV infection by name, was signed into law by Governor Schwarzenegger on April 17, 2006. The requirements of SB 699 went into effect immediately upon signature of the Governor. The accompanying regulations (a revision of the past code-based reporting regulation) are required to be in place within a year. California's decision to implement names based HIV reporting is in response to the CDC's recommendation for HIV surveillance and a change in the funding formula for the Ryan White Care Act (RWCA). The purpose of this letter is to inform you of the reporting requirements of SB 699 and describe methods to assure San Diego County and California remain able to successfully compete for federal funding, i.e., RWCA, for prevention activities and care and treatment services.

Funding for RWCA is based, in part, on the number of HIV cases reported and accepted by the CDC. The CDC will only accept HIV cases from states with names-based reporting systems (no identifying information, e.g., name, address, etc., is forwarded by the State to the CDC). Therefore, all HIV cases previously reported by code in San Diego and California will not be counted. Because of this situation, San Diego County and California could lose a substantial portion of necessary funding for HIV prevention activities and care and treatment services. SB 699 allows reporting of name for HIV cases and thus, these cases can be counted for federal funding.

We are advising health care providers to review and revise, if necessary, your consent form(s) to ensure compliance with the intent of SB 699. In addition, we recommend that you inform your patients of the change in HIV reporting and document notification in the medical record. Attached is sample language that may be useful for informing your patients (patient disclosure notice and posted disclosure notice). Enhanced civil and criminal penalties for intentional and unintentional disclosure of confidential HIV case information are described by the new law. The Community Epidemiology Branch strives to maintain absolute confidentiality at all times.

Until revised HIV reporting regulations are developed, interim guidelines are available at the California Office of AIDS web site (www.dhs.ca.gov/AIDS). These guidelines offer insight providers may find useful in complying with in provisions of SB 699.

County of San Diego, staff from Community Epidemiology is available to assist you in the process of reporting HIV cases and to discuss any concern you may have about the change in law. For further assistance, please call the Community Epidemiology Branch at (619) 515-6672.

Sincerely,

Handwritten signature of Nancy L. Bowen MD in cursive.

NANCY L. BOWEN, M.D., M.P.H.
Public Health Officer

NLB:MB:SM