

Hello,

These are exciting times in HIV care and prevention! You may have heard about some of the new discoveries that can improve the health of people with HIV/AIDS and decrease new infections. Science has shown that one of the most effective ways we can reduce the spread of the virus is to help people living with HIV/AIDS get the treatment they need. We want to hear your thoughts about making it easier for people living with the virus to get into care so they can get the treatment they need to stay healthy and live longer.

There are lots of reasons people living with HIV/AIDS do not get necessary treatment. They may not know they are infected. They may be afraid to get tested. They may not know where to get care. They may have been in care at one time, but stopped going to the doctor. They may have things going on that seem more important to them than taking their medicine.

Whatever the reason, it's important to help people living with HIV/AIDS get into care for their own health and to decrease the spread of HIV. Did you know that reducing the amount of virus a person has to an undetectable amount decreases the risk of spreading HIV to others? This means we can dramatically reduce the spread of HIV if everyone living with the virus is able to access medicines to fight HIV and to keep the amount of virus they have "undetectable."

The Georgia Department of Public Health is considering asking the Governor to seek a change in the current law (see attached), to allow the Department to share information about a person's HIV/AIDS status with his or her health care provider. This is needed so the Department can work with health care providers to help everyone living with the virus get into care.

There is already a Georgia law that makes HIV/AIDS information confidential. This is a good law and an important protection for people living with the virus. This law requires that health care providers disclose a patient's HIV/AIDS information to the Department of Public Health, but it does not allow the Department to give that same information back to health care providers. The Department would like to recommend a small change to the law so it can share this information with health care providers. The Department and health care providers will still continue to keep HIV/AIDS information confidential.

We want to hear what you think about the recommendation we are considering. It's a straightforward and workable solution that, together with medical and scientific advances, can help us to keep people healthy and stop the spread of the virus. On page 3 you will find the



current law with the proposed language change for your review. The proposed change is to add a new Paragraph (D) to subsection (h)(3) of O.C.G.A. Code 24-12-21.

You can provide your comments by going online at <http://bit.ly/1375WW8> or sending them via mail at GA DPH ATTN:

HIE Public Comments
HIV/AIDS Epidemiology
Georgia Department of Public Health
P.O. Box #2107
Atlanta, GA 30301

A webinar will also be held to provide additional information and answer questions. Visit <https://dph.georgia.gov/healthcare-information-exchange-hie> for more information on the webinar.

Sincerely,
Georgia Department of Public Health HIV Legal and Ethical Workgroup
(Please visit <https://dph.georgia.gov/healthcare-information-exchange-hie> for a list of Workgroup members).

Attachment A.

Proposed Paragraph to Amend O.C.G.A. 24-12-21 Subsection (h)(3).

Paragraph D, underlined below, is the proposed paragraph to amend Georgia Code 24-12-21 subsection (h)(3). Any changes in the proposed language, outlined below, will be the result of your comments.

1 “(h)(l) An administrator of an institution licensed as a hospital by the Department of
2 Community Health or a physician having a patient who has been determined to be infected with HIV may
3 disclose to the Department of ~~Community~~ Public Health:
4 (A) The name and address of that patient;
5 (B) That such patient has been determined to be infected with HIV; and
6 (C) The name and address of any other person whom the disclosing physician or administrator reasonably
7 believes to be a person at risk of being infected with HIV by that patient.
8 (2) When mandatory and nonanonymous reporting of confirmed positive HIV tests to the Department of
9 ~~Community Public~~ Health is determined by that department to be reasonably necessary, that department shall
10 establish by regulation a date on and after which such reporting shall be required. On and after the date so
11 established, each health care provider, health care facility, or any other person or legal entity which orders an
12 HIV test for another person shall report to the Department of Community Public Health the name and address
13 of any person thereby determined to be infected with HIV. No such report shall be made regarding any
14 confirmed positive HIV test provided at any anonymous HIV test site operated by or on behalf of the
15 Department of ~~Community~~-Public Health.
16 (3) The Department of ~~Community~~ Public Health may disclose that a person has been reported, under
17 paragraph (1) or (2) of this subsection, to have been determined to be infected with HIV to the board of health
18 of the county in which that person resides or is located if reasonably necessary to protect the health and safety
19 of that person or other persons who may have come in contact with the body fluids of the HIV infected
20 person.
21 The Department of ~~Community~~ Public Health or county board of health to which information is disclosed
22 pursuant to this paragraph or paragraph (1) or (2) of this subsection:
23 (A) May contact any person named in such disclosure as having been determined to be an HIV infected
24 person for the purpose of counseling that person and requesting there from the name of any other person
25 who may be a person at risk of being infected with HIV by that HIV infected person;
26 (B) May contact any other person reasonably believed to be a person at risk of being infected with HIV by
27 that HIV infected person for the purposes of disclosing that such infected person has been determined to be
28 infected with HIV and counseling such person to submit to an HIV test; ~~and~~
29 (C) Shall contact and provide counseling to the spouse of any HIV infected person whose name is thus
30 disclosed if both persons are reasonably likely to have engaged in sexual intercourse or any other act
31 determined by the Department of ~~Community~~ Public Health likely to have resulted in the transmission of
32 HIV between such persons within the preceding seven years and if that spouse may be located and
33 contacted without undue difficulty; and
34 “D) May disclose AIDS Confidential Information about a person, and any other information about
35 their HIV/ AIDS status, care or treatment that has been reported to the Department of Public
36 Health, to any health care provider licensed pursuant to Chapter 26 or Chapter 34 of Title 43 whom
37 that person has consulted for medical treatment or advice.”