

## RULES AND REGULATIONS

---

# ARTICLE V HIV - RULES OF REPORTING



542 4th Avenue  
Pittsburgh, PA 15219  
412.687.ACHD (2243)

[alleghenycounty.us/healthdepartment](http://alleghenycounty.us/healthdepartment)

Effective June 1, 2001

**ALLEGHENY COUNTY  
HEALTH DEPARTMENT**

---

**Rules and Regulations**

---

**ARTICLE V. REPORTING OF HIV**

501. PURPOSES

The Allegheny County Health Department finds that Human Immunodeficiency Virus (HIV) surveillance is necessary to determine the incidence and prevalence of HIV infected individuals in Allegheny County. This will aid in early identification and treatment, evaluation and implementation of preventive measures and programs, definition of the need for additional HIV related medical and social services, and directing resources towards those populations in the county with the greatest need. Therefore, the purpose of these regulations is to implement a reporting system in Allegheny County.

502. STATEMENT OF POLICY

The regulation of HIV reporting is necessary to promote the health, safety, and welfare of the citizens of the County of Allegheny.

503. EFFECTIVE DATE

The provisions of this Article will become effective on June 1, 2001.

504. DEFINITIONS

Anonymous----A patient does not use the patient's name as identification and uses a unique non-identifying code known only to the individual being tested.

Contact-----A sex or needle-sharing partner of the patient.

Department-----The Allegheny County Health Department.

Director-----The Director of the Allegheny County Health Department.

Health Care Facility-----A general or special hospital including tuberculosis and psychiatric hospitals; rehabilitation facilities; skilled nursing facilities; kidney disease treatment centers, including free-standing hemodialysis units; intermediate care facilities and ambulatory surgical facilities, both profit and nonprofit, and including those operated by an agency of State or local government; and any other facility that tests for the presence of HIV.

HIV-----Infection with the human immunodeficiency [virus] viruses that are the cause of AIDS, or, as the term may be defined from time to time by the Centers for Disease

Control and Prevention of the United States Public Health Service, or any other agent identified as a probable cause of AIDS.

Incidence-----The number of cases of a disease in a defined population over a specific period of time.

Partner Notification----An attempt on the part of the physician, health care facility, or testing site to offer services to the HIV positive patient which include notification to the patients contact(s)of the possibility of exposure and the availability of counseling and testing.

Prevalence-----The number of cases of a disease existing in a given population at a specific time period or time point.

Serological Test----(1) a serum specimen repeatedly reactive for HIV antibody by a licensed screening test (for example, Enzyme-linked immunosorbent assay (EIA) that has been verified by a more specific subsequent test (such as Western Blot or immuno-fluorescence assay(IFA); (2) a positive lymphocyte culture verified by a specific HIV antigen test or by in situ hybridization using a deoxyribonucleic acid (DNA) probe; (3) a positive result on any other highly specific test for HIV, including but not limited to OraSure testing methods; and (4) any other testing that may be approved by the Department.

Unique Patient Identifying Code-----A specific alpha numeric code assigned to a patient which distinguishes one patient from all other patients, does not reveal the patient's identity, and remains the same regardless of when or where the patient is tested.

#### 505. PHYSICIANS WHO TREAT PATIENTS WITH HIV

- (A) A physician, other than a psychiatrist, who treats or examines a person who is suffering from HIV shall make a report of the condition to the Department within fifteen (15) days of the initial examination.
- (B) The report shall be on a form prescribed by the Department.
- (C) The report shall be mailed to the Department at address designated on report provided by the Department.

#### 506. REPORTING LABORATORY RESULTS INDICATIVE OF HIV

- (A) A person who is in charge of a laboratory in which a laboratory examination of a specimen derived from the human body as a result of a serological test yields evidence of the presence of HIV shall report the condition to the Department within fifteen (15) days of the examination.
- (B) The report shall be on a form prescribed by the Department.
- (C) The report shall be mailed to the Department at address designated on the report provided by the Department.

- (D) The laboratory will report based on the method of reporting used by the testing or treatment facility unless the laboratory is the initial test site.

#### 507. HEALTH CARE FACILITIES

- (A) A person in charge of a health care facility where any person is treated or examined who is suffering from HIV shall make a report of the condition to the Department within fifteen (15) days of the initial examination, but the report shall not relieve physicians of their duty to report in the manner set forth herein.
- (B) The report shall be on a form prescribed by the Department.
- (C) The report shall be mailed to the Department at address designated on the report provided by the Department.

#### 508. METHOD OF REPORTING

Prior to any testing pursuant to these regulations, the physician, reporting laboratory, or health care facility offering such test or who offers treatment, shall inform the patient of the recognized manners of reporting, (i.e., name based, unique identifier, and anonymous) and inform the patient of their option to choose the manner of reporting. If the chosen manner of reporting is not available at that site, the physician, laboratory, or health care facility shall refer the patient to an alternative testing site.

#### 509. REPORTING FORMS

- (A) Reports required shall be on forms prescribed and approved from time to time by the Department.
- (B) Information required shall include, but not be limited to, the following:
  1. Name, address and telephone number of the reporting physician, laboratory or health care facility.
  2. Date, type and result of laboratory test.
  3. Patient information shall include:
    - a. Name
    - b. Address
    - c. Social Security number
    - d. Date of birth
    - e. Marital status
    - f. Sex
    - g. Race & Ethnicity
    - h. Date of examination

i. Risk factor consisting of the following:

1. Men having sex with men
2. Men having sex with men coupled with intravenous drug use
3. Heterosexual intravenous drug usage.
4. Sex partner at risk
5. Child of HIV positive mother
6. Sexually transmitted disease diagnosis
7. Sex for drugs or money
8. Sex while using drugs
9. Hemophiliac or blood recipient
10. Victim of sexual assault
11. Health care exposure
12. No acknowledged risk
13. Not specified.

4. A statement from the physician or reporting agency as to whether the patient executed a written consent for the location and notification of any individual who the infected subject may have exposed to HIV.

(C) Notwithstanding, the reporting information requirements contained in the foregoing paragraph (B) (1) (a-c), any physician, reporting laboratory, or health care facility may elect to report HIV patient information on a coded basis using a unique patient identifying alpha numeric code consisting of the following letters and numbers:

1. The unique patient identifying code is a 14 - digit alpha/numeric code consisting of the following letters and numbers reading from left to right:
  - a. The first letter of the patient's last name;
  - b. The second letter of the patient's first name;
  - c. The last four digits of the patient's Social Security number;
  - d. Six digits representing the patient's date of birth listed in order of month, day, and year: (e.g. 06/17/55); and
  - e. One digit representing the patient's racial or ethnic group, assigned according to the following procedure:
    1. If White, one (1);
    2. If Black, two (2);
    3. If Hispanic, three (3);
    4. If Asian or Pacific Islander, four (4);
    5. If American Indian, five (5);
    6. If other, six (6);
    7. If not specified, seven (7); and
  - f. One digit representing the patient's gender, assigned according to the following procedure:

1. If male, one (1);
  2. If female, two (2); and
  3. If transgendered, three (3).
2. If any element of information required to construct the unique patient identifying number is not available and cannot be obtained, the individual assigning the unique number shall substitute seven (7) for each missing digit.

In the event that a health care facility offers anonymous HIV testing, only demographic and risk exposure category information is required to be reported on forms prescribed by the Department.

#### 510. RECORDS OF THE DEPARTMENT

The Director of the Department shall maintain records that will permit the efficient function of the Department for the prevention and control of HIV.

#### 511. STATUTORY AUTHORITY

The Department is authorized to receive confidential HIV-related information by virtue of the "Confidentiality of HIV-Related Information Act," 1990, Nov. 29, P.L. 585, No. 148, \*7., and by the act of April 23, 1956 (1955 P.L. 1510, No. 500), known as the Disease Prevention and Control Law of 1955.

#### 512. ENFORCEMENT AUTHORITY AND INTERPRETATIONS

The Department shall administer and enforce the provisions of this Article and any other rule or regulation of the Department.

#### 513. VIOLATIONS

(A) When the Director determines that there has been a violation of any provision of this Article, the Director shall give notice of the violation as follows to the person responsible for compliance under this Article.

(B) The notice shall:

1. Be in writing;
2. Include a statement of the violation;
3. Specify a reasonable time for the performance of any act it requires; and
4. Inform the person responsible for compliance of his right to an administrative appeal pursuant to Pennsylvania Local Public Agency Law, 1978, April 28, P.L. 202, No. 53, \*5, effective June 27, 1978.

(C) The notice shall be served by mailing a copy of the notice, by first-class mail, postage prepaid, to the person responsible for compliance under this Article.

514. APPEALS

Any person or legal entity aggrieved by the action of the Department, or by any order, notice, decision or determination issued by the Department, may file an appeal in accordance with Article XI entitled "Hearings and Appeals."

515. PENALTIES

- (A) Summary Offenses - Any person or legal entity who violates any of the provisions of this Article, upon conviction thereof in a summary proceeding before any District Magistrate of Allegheny County, or before any Magistrate of the Pittsburgh Magistrate Court, shall be sentenced to pay a fine up to three hundred dollars (\$300.00) and the costs of prosecution.
- (B) Civil Penalties - the Director may assess a civil penalty against any person or legal entity who violates any of the provisions of this Article. The Director may assess a civil penalty against such person or legal entity whether or not the violation is intentional. The penalty so assessed shall be a sum up to ten thousand dollars (\$10,000.00) for each violation.

516. SEVERABILITY

If any provision, clause, sentence or paragraph of this Article, or the application thereof to any person, legal entity or circumstance shall be held to be invalid, such invalidity shall not affect the provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.

517. REPEALER

Any resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.