

ACT NO. 73

(S.192)

Health; reportable disease; HIV; names-based reporting

With the passage of this act, reporting of HIV cases to the Vermont Department of Health will no longer be by use of a unique identifier, but will instead use the individual's name. The act expresses that its sole purpose is to maintain federal funding and it sunsets upon elimination of any federal requirement for name-based reporting.

The Department is required to collaborate with individuals living with HIV or AIDS, representatives of the Vermont AIDS service organizations, and health care providers to notify individuals who were previously tested and had a case reported to the Department by unique identifier that the provider will be making a new report using the individual's name. For new tests, a provider is required, prior to testing, to inform the patient that a positive HIV result will cause the individual's name to be reported to the Department. Non-medical community-based organizations are authorized to conduct anonymous HIV testing and are excused from HIV case reporting.

The Department is prohibited from use of identifying HIV information for any purpose other than public health surveillance or epidemiological follow-up. The name of an individual with HIV may not be disclosed by the Department without notice to and written authorization from the individual. The Act makes it a misdemeanor to willfully, maliciously, or negligently disclose the results of an HIV test without written authorization or legal authority if the disclosure results in economic, physical, or emotional harm. It establishes a private right of action for malicious disclosure of identifying information. The Department is required to develop procedures to ensure confidentiality and data security, including a computer security audit.

Hospital administrators, town health officers, and non-medical community-based organizations are removed from the list of mandated reporters for all reportable diseases.

Effective Date: July 1, 2007, except Secs. 4 and 5, which are effective immediately.

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