

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 463 (Chairman, Environmental Matters Committee)
 (Departmental – Health and Mental Hygiene)

Environmental Matters

Economic and Environmental Affairs

HIV and AIDS Cases - Confidentiality and Reporting Provisions

This departmental bill exempts physicians, hospitals, and related institutions from reporting “suspected” cases of Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS). In addition, the bill specifies reporting requirements for a physician who has diagnosed a patient with AIDS and a laboratory that receives a positive test for AIDS.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: The Department of Health and Mental Hygiene (DHMH) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: A physician who has diagnosed a patient with AIDS, according to the current definition of AIDS provided by the Centers for Disease Control (CDC), must report to the health officer for the county where the physician cares for that patient. The report must include the name, age, race, sex, and residential address of the patient diagnosed with AIDS and must be signed by the physician. A physician report is not considered a medical record, but is deemed confidential and subject to current medical confidentiality laws.

A laboratory that receives a positive test result that documents the presence of HIV must, upon DHMH's request, make available to DHMH or its agent, the information necessary to compile an HIV/AIDS case report. An HIV/AIDS report is an abstract of the medical record of a patient diagnosed with HIV or AIDS and contains reasonably obtained patient demographic information, including risk factors, and relevant information on the initial diagnosis, treatment and referral, and clinical condition of the patient. The unique identifier for the patient, and not the patient's name, must be included. A lab report is not considered a medical record, but is deemed confidential and subject to current medical confidentiality laws.

The bill also exempts physicians, hospitals, and related institutions from reporting "suspected" cases of HIV or AIDS.

Current Law: Physicians, hospitals, and related institutions must report suspected cases of infectious or contagious diseases, including HIV, to the county health officer. A laboratory that tests for HIV cannot disclose an individual's identity in any report submitted to DHMH or a county health officer.

Background: DHMH advises that reporting suspected cases of HIV/AIDS by physicians, hospitals, and related institutions does not serve a significant health purpose. Since HIV is not transmitted via casual contact or airborne means, there is no need for reporting suspected HIV infections in an effort to warn the public of any outbreak.

Physician reporting of diagnosed AIDS cases based on the current CDC definition provides DHMH with the ability to better track the progression of HIV cases to AIDS cases.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (AIDS Administration), Department of Legislative Services

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