

**DENNIS M. O'BRIEN, MEMBER**

ROOM 100 MAIN CAPITOL  
HOUSE BOX 202020  
HARRISBURG, PA 17120-2020  
PHONE: (717) 787-5689  
FAX: (717) 787-1339

PHILADELPHIA OFFICE:  
9811 ACADEMY ROAD, LOWER LEVEL  
PHILADELPHIA, PA 19114-1715  
PHONE: (215) 632-5150  
FAX: (215) 281-2094



*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

June 11, 2001

Original: 2185

The Honorable Robert S. Zimmerman, Jr.  
PA Department of Health  
802 Health and Welfare Building  
Harrisburg, PA 17108

Dear Secretary Zimmerman:

The Health and Human Services Committee hosted a briefing from the Department of Health at our meeting on June 4<sup>th</sup> on regulations published in the PA Bulletin (Reg.#10-166/IRRC# 2185) on April 20, 2001. The department explained their rationale for choosing to report the incidence of HIV by name here in Pennsylvania.

The Health and Human Services Committee does agree that a tracking system for HIV is essential to the public health of the Commonwealth, but the committee believes unique identifiers should be used as our means of tracking this epidemic. The use of names in reporting HIV is not in the best interest of all Pennsylvanians. There is significant evidence that HIV reporting by name can potentially deter at-risk individuals from seeking an HIV test or continuing with the proper treatment of their disease. At-risk individuals, such as minorities and intravenous drug addicts, are the fastest growing segment of the HIV community and these groups are already highly suspicious of the government. The result of HIV testing by name will be counterproductive. At-risk individuals will not receive testing, will not receive healthcare, and if they do they will not use their actual names. When this occurs the department will have information that is useless because the individual submitting the information did not tell the truth. If the department is serious in halting the spread of this epidemic, a unique identifier system should be put in place in Pennsylvania.

During the public hearings conducted by the department, ninety-five (95%) percent of the people testifying opposed the reporting of HIV by name. The reporting of HIV by a unique identifier satisfies all the considerations under review by the Department, except that it is not consistent with how other reportable diseases are reported in Pennsylvania. By implementing the reporting of HIV by unique identifier, the department can accurately track the growth of the disease, provide confidentiality to any individual tested under standards provided by the Centers for Disease Control (CDC), have the ability to link individuals in need of care with physicians, and accumulate data for the planning of an intensive prevention program throughout the Commonwealth.

COMMITTEES

HEALTH AND HUMAN SERVICES  
CHAIRMAN  
JUDICIARY  
POLICY

RECEIVED  
2001 JUN 11 PM 3:26  
REVIEW COMMISSION

The Department of Health is concerned that the level of federal funding will fall if a unique identifier system is created within Pennsylvania. This concern is unjustifiable. Funding is only at risk if the state does not report the incidence of HIV at all. The committee understands that a name reporting system would jeopardize funding levels even more than a unique identifier system. If a name reporting system is instituted in Pennsylvania, funding levels are at a higher risk of declining because less people will have testing done due to the stigma of having their name reported.

Another concern raised by the committee is the number of anonymous HIV testing sites being reduced by the proposed regulation. There are already a limited amount of anonymous HIV testing sites within Pennsylvania and this proposed regulation seems to further limit availability even further by requiring that anonymous testing be conducted only at a "State-designated anonymous testing site". The regulation does not provide a definition of "State-designated", or whether sites currently providing anonymous testing are "State-designated". The committee would like to see the department increase the amount of anonymous testing being done in Pennsylvania by increasing the amount of access to the anonymous testing sites. However, it should be noted that anonymous testing can not, by definition, translate to name reporting. This is another reason we support the unique identifier.

The Health and Human Services Committee believes that it is incumbent upon the Department of Health to modify the proposed regulations to ensure the use of unique identifiers. Thank you for your consideration of this matter and we look forward to seeing significant revisions of the regulations in the near future.

Sincerely,

  
DENNIS M. O'BRIEN, Chairman  
Health and Human Services Committee

DMO'B:MB:mp

cc: IRRC  
Health and Human Services Committee Members