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Senate of Pennsylvania

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June 11, 2001

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

Dear Secretary Zimmerman:

We are writing to comment on the Department of Health's proposed rulemaking for the reporting of AIDS/HIV test results, CD4 T-lymphocyte counts and perinatal exposure of newborns. In particular, we are writing in support of the Department's decision to utilize name reporting for the aforementioned conditions. However, that support is contingent on the Department taking appropriate steps to make anonymous testing a readily available option to those who may otherwise avoid HIV testing.

Reporting HIV/AIDS test results by name is consistent with the recommendation of the Centers for Disease Control (CDC). Not only will it will allow the Department to more accurately collect data on the prevalence of HIV/AIDS but, more importantly, it will also allow the Department to more effectively meet its fundamental public health responsibility of preventing the further spread of disease. Name reporting will allow the Department and local health departments opportunities to provide case management services to HIV-infected persons and their at-risk partners that would not be possible under a unique identifier system.

We are sensitive to the concerns raised by a number of individuals and organizations that a name-based system may act as a deterrent to at-risk individuals obtaining HIV testing. While we are aware that there are conflicting studies regarding the impact of name reporting on testing, we recognize that any reduction in testing would negatively affect efforts to accurately determine the prevalence of HIV/AIDS and to provide appropriate case management services. To ensure that such a reduction does not occur, the Department must allow anonymous testing at all testing sites rather than at a limited number of state-designated sites. Further, the Department should ensure that information regarding anonymous testing is made available to at-risk populations.

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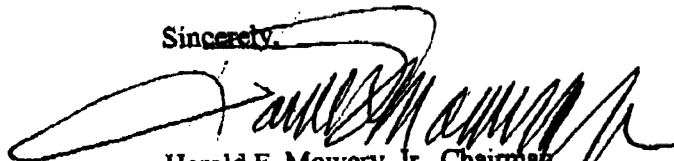
Honorable Robert S. Zimmerman, Jr., Secretary

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Much of the opposition to a name-based reporting system is based on the fear that public health departments can not be relied on to maintain confidentiality, despite the fact that they have done so for years without a single breach of confidentiality requirements. While unfounded fears may affect the actions of some, they should not be the basis for establishing public policy. We feel that the Department has been thorough in its review of the benefits and shortcomings of name-based and unique identifier reporting systems, and has determined that a name-based system provides the best opportunity for fulfilling their public health mission. We support that decision.

Sincerely,



Harold F. Mowery, Jr., Chairman
Senate Public Health & Welfare Committee

Sincerely,



Timothy F. Murphy, Vice Chairman
Senate Public Health & Welfare Committee

HFM/hsj

cc. John R. McGinley, Jr. Esq., Chairman
Independent Regulatory Review Commission

Robert E. Nyce, Executive Director
Independent Regulatory Review Commission

Honorable Vincent J. Hughes, Minority Chairman
Senate Public Health & Welfare Committee