

ORIGINAL: 2185

4TH DISTRICT
ALLYSON Y. SCHWARTZ
SENATE BOX 203004
HARRISBURG, PA 17120-3004
(717) 787-1427
FAX: (717) 772-0572

27 EAST DURHAM STREET
PHILADELPHIA, PA 19119
(215) 242-9710
FAX: (215) 560-6906

E-MAIL ADDRESS:
schwartz@dem.pasen.gov



Senate of Pennsylvania

COMMITTEES

EDUCATION, DEMOCRATIC CHAIR
AGING AND YOUTH
BANKING AND INSURANCE
DEMOCRATIC POLICY
PUBLIC HEALTH & WELFARE
STATE GOVERNMENT

PA HISTORICAL AND MUSEUM COMMISSION
STATE BOARD OF EDUCATION
EDUCATION COMMISSION OF THE STATES

REPLY TO:

- HARRISBURG
- PHILADELPHIA

June 22, 2001

Independent Regulatory Review Commission
14th Floor
333 Market St.
Harrisburg, PA 17101

Re: Department of Health Proposed Regulation # 10-166
"Reporting of Certain HIV Test Results"

Dear Members of the Independent Regulatory Review Commission:

I am writing in response to comments the IRRC issued on June 21, 2001 on the Department of Health's proposed regulation 10-166, which proposes a system of name-based HIV reporting. Like the commission, I question whether name-based reporting is necessary. I believe that the evidence demonstrates that a unique identifier system would be equally effective, and preferable, to the name-reporting system proposed by the Department of Health. I support your decision to request a more detailed demonstration of need for the name-based system from the department.

I am pleased that the Department of Health has taken the initiative to create a comprehensive HIV tracking system. The aggregate data will play an important role in formulating how we address the HIV/AIDS problem in Pennsylvania. However, collecting names and addresses gives rise to serious concerns not posed by a unique-identifier-based system.

Although the confidentiality of the data collected and reported under the proposed regulations is ostensibly protected under existing law, the perception that test results may become available to others will deter some at-risk individuals from seeking testing. In light of the medical technologies and treatments available today, a delay in testing and treatment will cause unnecessary suffering for those affected by HIV.

Thank you for your consideration of this letter.

Yours truly,

Allyson Y. Schwartz
State Senator - 4th District

RECEIVED
2001 JUN 29 AM 0:49
REGULATORY REVIEW COMMISSION

Original: 2185

4TH DISTRICT
ALLYSON Y. SCHWARTZ
SENATE BOX 203004
HARRISBURG, PA 17120-3004
(717) 787-1427
FAX: (717) 772-0572

27 EAST DURHAM STREET
PHILADELPHIA, PA 19119
(215) 242-9710
FAX: (215) 560-6906

E-MAIL ADDRESS:
schwartz@dem.pasen.gov

REPLY TO:
 HARRISBURG
 PHILADELPHIA



Senate of Pennsylvania

COMMITTEES

EDUCATION, DEMOCRATIC CHAIR
AGING AND YOUTH
BANKING AND INSURANCE
DEMOCRATIC POLICY
PUBLIC HEALTH AND WELFARE
JUDICIARY

PA HISTORICAL AND MUSEUM COMMISSION
STATE BOARD OF EDUCATION
EDUCATION COMMISSION OF THE STATES

June 4, 2002

Mr. John R. McGinley, Jr. Esq.
Chair, IRRC
333 Market Street, 14th Floor
Harrisburg, PA 17101

2002-06-04 PM 1:31

Re: Department of Health Proposed Regulation #10-166
Reporting of Certain HIV Test Results, CD4 T-Lymphocyte Counts
Below a Certain Level, and Perinatal Exposure of Newborns to HIV

RECEIVED
COMMISSION

Dear Chairman McGinley:

I have serious concerns with the proposed Department of Health Regulation #10-166. I believe that the regulation should be disapproved.

I recommend disapproval because names-based reporting poses privacy problems and serves as a deterrent to many at-risk individuals to be tested and treated for HIV. Such individuals infected with HIV will leave the virus to progress to the point of illness and will fail to prevent transmission of the virus. A names-based system will only result in a barrier to testing.

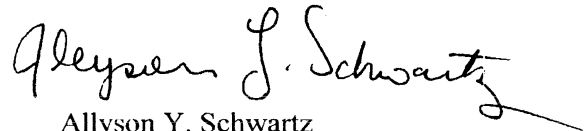
I believe a unique-identifier system should be used for tracking HIV, rather than a names-based system. Research has demonstrated that more people will be tested for HIV when a unique identifier system is in place because they know their medical information will remain private.

I recognize that it is critical for Pennsylvania to begin reporting cases of HIV so that the epidemic can be effectively tracked and increased funding and federal resources can be used for prevention and treatment. However, I believe that using the unique identifier would be the best method of reporting HIV. This method will accomplish the necessary health goals we seek while also protecting the privacy of people living with HIV.

According to Action AIDS, 95 percent of people testifying at public hearings held throughout the Commonwealth opposed names reporting. This displays a lack of public support for a names-based reporting system.

I urge you to oppose names-based reporting, and thus this regulation.

Sincerely,

A handwritten signature in black ink that reads "Allyson Y. Schwartz". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Allyson Y. Schwartz
State Senator – 4th District

Cc: Senator Harold F. Mowery, Jr.
Senator Vincent Hughes
Secretary Robert S. Zimmerman, Jr.