

CHAPTER 42

Release of Health Information: HIV Test Results

I. POLICY

Human immunodeficiency virus (HIV) test results shall be disclosed in response to a properly-executed, written and signed patient authorization for EACH disclosure as required by the Health and Safety (H&S) Code, section 120980(g). The legislation specifically protects the confidentiality of HIV test results. Documentation in the patient's unit health record (UHR) ensures compliance with this law. The unauthorized disclosure of HIV test results is punishable by civil and/or criminal penalties.

II. PROCEDURE

- A. Health care staff shall ensure that the results of HIV testing are released only when a properly executed release has been signed. The release shall comply with the statutory documentation requirements that include:
1. The request must be in writing.
 2. Full name (first, middle, last) and date of birth of patient.
 3. The date of disclosure.
 4. The name and address of individual(s) or entity to whom the test results are disclosed. Use the patient's name if the test results are to be released to the patient.
 5. The name of the physician, hospital, or health care provider disclosing the information.
 6. The date on which the authorization expires.
 7. The restrictions on the release of the HIV test results.
 8. The date and signature of the patient.
 - a. Enter the date.
 - b. Enter the patient's full name: first, middle, and last.
 9. A copy of the authorization to the patient.
 - a. Check "yes," or "no," and initial, if a copy of the completed authorization is, or is not, provided to the patient.
- B. Health care staff shall:
1. Use "Authorization for Release of Health Care Record" form for each separate disclosure of any patient identifiable HIV test results. Make sure the patient has not crossed out the words "HIV status".
 2. Have the patient sign the "Authorization for Release of Health Care Record" for EACH release of a copy of the HIV test results, even to himself.
 3. Have the patient date, time, and sign for the release of the HIV test results in front of any competent adult (who shall witness the signing of the form).
 - a. The witness shall:
 1. Sign with full name (first, middle, and last) and title.
 2. Date the form the day the signature is witnessed.

3. Forward all requests for disclosure of HIV test results to the HRS to ensure compliance with all statutory requirements.
- C. HRS staff shall process the authorization according to procedures outlined in the policy: “Release of Patient Identifiable Information”.