



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Executive Deputy Commissioner

February 2009

Dear Infection Control Practitioner:

I am writing in follow-up to my October letter to provide additional information and updated resources in response to questions from several of you. The questions sought clarification on provisions for release of confidential patient information in cases of potential occupational exposure of emergency responders to HIV.

Disclosure is permitted for HIV-related information pursuant to a specific release form for a limited time period which has been developed or approved by the Department. The release must be signed by the protected individual, or if the protected individual lacks capacity to consent, by a person authorized pursuant to law to consent to health care for the individual. If a source patient authorizes the release of his/her medical information with the exposed person or exposed person's medical provider, it is not necessary to implement the provisions of Part 63.8(m). The following release forms, available on the New York State Department of Health website at <http://www.nyhealth.gov/diseases/aids/forms/informedconsent.htm>, may be used for this purpose:

- "Authorization for Release of Medical Information and Confidential HIV Related Information" (DOH-2557)
- "Informed Consent to Perform a Confidential HIV Test and Authorization for Release of HIV-related Information for Purposes of Providing Post-exposure Care to a Health Care Worker Exposed to a Patient's Blood or Body Fluids" (DOH-4054)

All written disclosures of confidential HIV information must be accompanied by a statement prohibiting redisclosure.

The following materials, copies of which are attached, have been amended to reflect the additional option to fulfilling provisions of Part 63.8(m) as outlined above: Emergency Responder Occupational Exposure Algorithm and Emergency Responder Occupational Exposure Chart: Past and Present. A new material titled Emergency Responder Occupational Exposure – Frequently Asked Questions is also attached. All are available on-line at: http://www.health.state.ny.us/nysdoh/ems/aids/occupational_exposure/.

Your input and questions are appreciated. Should you need additional guidance concerning policies, procedures or have general questions, I may be reached at (518) 473-8815 or by email at OMDICP@health.state.ny.us.

Sincerely,

Lyn C. Stevens, MS, NP, ACRN
Deputy Director, Office of the Medical Director
AIDS Institute

Attachments