



# Board Agenda Item 54

DATE: December 10, 2019

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: California Enhanced HIV/AIDS Case Reporting System Data Use and Disclosure Agreement

## RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute the California Enhanced HIV/AIDS Case Reporting System Data Use and Disclosure Agreement with the California Department of Public Health for the exchange of HIV/AIDS case reporting system data, effective upon execution by the State (\$0); and**
- 2. Approve and authorize the Director of the Department of Public Health, or designee, and Department employees identified as having a need to access California Enhanced HIV/AIDS Case Reporting System to execute the Agreement by Employee/Contractor to Comply with Confidentiality Requirements; and**
- 3. Authorize the Director of the Department of Public Health, or designee, to execute, upon review and approval by County Counsel as to legal form, amendments to the California Enhanced HIV/AIDS Case Reporting System Data Use and Disclosure Agreement with the California Department of Public Health.**

Approval of the recommended actions will allow the Department of Public Health to access and exchange protected health information (PHI) through the Enhanced HIV/AIDS (Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome) Case Reporting System (eHARS) with the California Department of Public Health (CDPH), with no increase in Net County Cost. Approval will authorize the Department's Director, or designee, to execute upon review and approval by County Counsel, amendments related to the proposed agreement that may be required in response to new PHI or HIV/AIDS standards and regulations. Approval will allow the specific employees to access eHARS once they execute the agreement to comply with confidentiality requirements. This item is countywide.

## ALTERNATIVE ACTION(S):

There are no viable alternative actions. Should your Board not approved the recommended agreement, funding for HIV/AIDS patient services may be impacted, as case counts in eHARS are used to determine funding allocations throughout CDPH. If the Board does not approve the second or third recommended actions, the Department would return to the Board for execution; however, the anticipated amendments would be administrative in nature based on changes to PHI or HIV/AIDS standards and regulations.

## FISCAL IMPACT:

There is no fiscal impact associated with the recommended agreement.

DISCUSSION:

On July 15, 2014, the Board approved Agreement No. 14-414 with CDPH to exchange eHARS data with CDPH in compliance with the California Code of Regulations, Title 17 - Public Health. The statute requires local medical providers and laboratories to report HIV/AIDS case data to the County Health Officer, who must report the data to CDPH. The data in eHARS is confidential PHI, containing demographic and clinical information on all reported HIV and AIDS diagnoses in the State. The Department and CDPH access the information to assess, prevent, and interrupt the transmission of HIV/AIDS, and to provide services for patients with HIV/AIDS.

CDPH also uses eHARS case count data to determine the level of funding allocated throughout the State for programs and services, such as the AIDS Drug Assistance and patient navigation programs, which allows low-income patients access to medication and treatment services. CDPH shares eHARS data with the Centers for Disease Control and Prevention to support public health surveillance nationwide.

Staff and contractors that access eHARS data will be required to sign an Agreement by Employee/Contractor to Comply with Confidentiality. Approval of the second recommended action will allow the Department's Director, or designee, to authorize such certifications.

CDPH has advised that amendments may be required throughout the five-year term to reflect updates to Federal and State standards and regulations relating to PHI or HIV/AIDS standards and regulations. Approval of the third recommended action will allow the Department's Director, or designee, to execute amendments upon approval as to legal form by County Counsel. The Department would return to the Board for approval of modifications beyond this scope.

The recommended agreement contains non-standard termination language in that CDPH may terminate the agreement in response to data breaches, or criminal or administrative violations committed by the County. Either party may terminate the agreement upon 30 days' advance notice.

REFERENCE MATERIAL:

BAI #73, July 15, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - CA Enhanced HIV/AIDS Case Reporting System Data Use and Disclosure Agreement with CDPH

CAO ANALYST:

Sonia M. De La Rosa