

# NEW YORK STATE, Article 27-F

## HIV Confidentiality Law Notice

This Notice describes under what circumstances your HIV-related information may be disclosed by Evergreen Health.  
Please review it carefully.

### WHAT IS CONFIDENTIAL HIV-RELATED INFORMATION?

HIV-related information is any information that shows a person:

- Had an HIV-related test such as an HIV Antibody test, CD4 test, viral load test, PCR [polymerase chain reaction] test, or other tests.
- Has HIV-infection, HIV-related illness, or AIDS.
- Has been exposed to HIV.
- Has any of these conditions and has information on any of their sexual contacts or needle-sharing contacts.

### UNDER WHAT CIRCUMSTANCES CAN HIV-RELATED INFORMATION BE DISCLOSED?

Generally, HIV-related information can only be disclosed if the person signs an approved HIV release form.

### UNDER WHAT CIRCUMSTANCES CAN HIV-RELATED INFORMATION BE DISCLOSED WITHOUT AN APPROVED HIV RELEASE FORM?

For medical treatment:

- Medical professionals working on the treatment team with the person's existing provider may discuss a patient's HIV-related information with each other or with their supervisors, but only to give necessary care.
- With a general release, a hospital or health care provider may share HIV-related information with a patient's insurance company if the information is needed to pay for medical care.
- Medical personnel and certain other supervisory staff may have access to HIV-related information to provide or monitor services if the person is in jail or prison or is on parole.

To monitor health care and disease prevention:

- Health care facility staff and committees, oversight review organizations, or government agencies that are authorized to have access to medical records may be given HIV-related information when it is needed to supervise, monitor, or administer a health service or social service.
- Known partners of an HIV-positive person must be notified by a physician or public health official that they have been exposed to HIV. Information about the source of infection will not be disclosed.
- Public health officials may have access to this information when required by law, such as HIV/AIDS case reporting to monitor disease trends and plan prevention programs.

Other circumstances for releasing HIV-related information include:

- Authorized agencies that work with prospective adoptive or foster parents may have access to this information.
- A judge can issue a special court order that requires release of HIV-related information.
- Insurers may receive HIV-related information in order to process payment.
- Emergency care and health care workers who are accidentally exposed to potentially infectious body fluids may receive HIV-related information regarding the source of exposure.
- Parents or guardians of a minor or persons who are legally authorized to provide consent can be given HIV-related information about the person if it is necessary to provide timely care, unless it would not be in the person's best interests to disclose the information.

### VIOLATIONS OF ARTICLE 27-F

If you believe your rights have been violated under Article 27-F you may file a complaint with the New York State Department of Health and /or file a lawsuit. The Health Department's AIDS Institute has a special unit that takes Article 27-F complaints. Its HIV Confidentiality Hotline is 800-962-5065. The Department of Health may impose a fine up to \$5,000 per violation. Criminal penalties may be imposed if the violation was "willful".

### FOR FURTHER INFORMATION OR QUESTIONS

Contact:

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