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 an 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.
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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 healthcare 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. Their 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

William J. Dimmig
Corporate Compliance Officer
PH: 716-847-2441
Email: wdimmig@evergreenhs.org
Evergreen Health
206 South Elmwood
Buffalo, NY 14201