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FISCAL IMPACT REPORT

ORIGINAL DATE 01/22/10
 LAST UPDATED 02/02/10 **HB** _____

SPONSOR Griego

SHORT TITLE HIV At-Risk Partner Services **SB** 12/aSJC

ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$25.0 - \$75.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Health Policy Commission (HPC)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee Amendment clarifies that regulations established by DOH for contacting persons at-risk for HIV for the purpose of offering “partner services”, will be “similar to those protocols and regulations for other reportable sexually transmitted diseases”.

Synopsis of Original Bill

Senate Bill 12 amends Section 24-2B-6 NMSA 1978 of the Public Health Code by adding an exception to confidentiality provisions that would allow DOH to disclose the identity of persons diagnosed with HIV for the purposes of providing HIV “partner services”.

FISCAL IMPLICATIONS

DOH reports that the expansion of HIV Partner Services for HIV infected persons would be provided with existing staff and resources.

There would most likely be additional costs to expand such HIV Partner Services, and would be determined by the number of persons that participate.

SIGNIFICANT ISSUES

SB 12 is a DOH sponsored bill. SB 12 would allow the Disease Prevention Teams of the Public Health Division to receive the names of persons infected with HIV and in turn, contact that person and offer HIV Partner Services.

PERFORMANCE IMPLICATIONS

Current NM State Statute mandates the reporting of persons infected with HIV to the Epidemiology and Response Division of DOH, but confidentiality provisions in the Public Health Code prevent the Epidemiology and Response Division from providing those names to Disease Prevention Teams at the Public Health Division of DOH. Thus, the Public Health Division at DOH is not authorized to contact persons infected with HIV and offer HIV Partner Services.

Persons contacted for HIV Partner Services would not be given the HIV infected person's name; however, that may or may not be enough to protect the HIV infected person's privacy.

The Federal HIPAA Privacy Rule currently allows DOH to disclose protected health information without the patient's authorization for certain public health purposes.

ADMINISTRATIVE IMPLICATIONS

SB 12 will require DOH to promulgate rules to extend its HIV Partner Services.

DOH reports that at the present time, clinicians who order an HIV test must contact their patients and ask whether a Disease Prevention Specialist at the Public Health Division can contact them to offer HIV Partner Services. DOH further reports that this current structure has resulted in poor rates of offering HIV Partner Services to partners of persons infected with HIV.

TECHNICAL ISSUES

Persons infected with HIV would choose whether or not to identify his or her "partners". Partner may or may not need to be further defined.

OTHER SUBSTANTIVE ISSUES

DOH and HPC report that HIV Partner Services are a highly effective strategy for diagnosing unidentified cases of HIV at earlier stages of the infection. The earlier that HIV infection is diagnosed, the more likely for favorable treatment outcomes and the less likely for further HIV transmission.

HPC reports that a recent survey of health department staff nationwide found that only 52% of persons infected with HIV were offered partner services. Partner services typically includes notifying partners of their exposure to HIV, and providing these persons HIV testing, counseling and referral services.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Clinicians would continue to ask their patients whether a Disease Prevention Specialist at the Public Health Division may contact them to offer HIV Partner Services.

POSSIBLE QUESTIONS

Would SB 12 support HIV Partner Services being offered to non-sexual “partners” of persons sharing needles?

AHO/svb:mew